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THE FEDERAL FEMALE OFFENDER

Report on a Preliminary Study

No. 1991-3

This report was prepared on contract for the Corrections Branch, Ministry of the Solicitor General of Canada and is made available as submitted to the Ministry. The views expressed are those of the author and are not necessarily those of the Ministry of the Solicitor General of Canada.

This document is available in French. Ce rapport est disponible en français.

Supply and Services Canada
Cat. No. JS4-1/1991-3E
ISB 0-662-18973-6

ACKNOWLEDGEMENTS

This report was commissioned and funded by the Corrections Branch of the Secretariat of the Solicitor General. Many people have had an intense interest in the position of women in prison in Canada, and it was not difficult to trace the often remarkable energy which has been put into trying to change that position. Many people both in Canada and elsewhere helped provide me with information and insights.

I am particularly grateful to John Evans and Bob Cormier for having given me the opportunity to undertake the project, and to Karen Cannings for her patience. I also owe a debt to Maria Los and Karen Rodgers for having provided me with support from the start. And I would have got nowhere without the help of Heather Moore and her staff in the library of the Solicitor General.

PREFACE

Some 250 women in Canada are serving federal sentences of two years or more. Another 200 are under federal sentence on conditional release in the community. Those in prison represent around 2% of the total federal population of prisoners.

At the time when this report was written there was only one federal institution serving women in Canada, the Prison for Women at Kingston, Ontario. Since its opening in 1934, there has been almost constant concern that women suffer considerably more hardship than men by being removed so far from home, and that the provision of programmes and facilities does not take account of the needs of women, nor match those available to men.

About a third of these women are now housed in provincial prisons nearer their homes, but do not necessarily have access to programmes suited to the needs of women serving long sentences.

Should these women be housed closer to their communities and families to whom they will return? How can such a small number of women be provided with the appropriate programmes and training to meet their needs - and what in reality are their needs? Do they need the secure provision traditionally provided? How different are their circumstances and needs from those of the much larger group of male federal inmates?

In trying to answer such questions there is a constant problem of a lack of information about federal women in Canada. As Ross and Fabiano pointed out in 1985:

> "The demands for change are based on human rights and equal rights considerations, on sentiment and good intentions, seldom are they based on an adequate appraisal of the characteristics of female offenders and their circumstances."

This report was conceived as the beginning of a more extensive project on federally sentenced women in Canada funded by the Secretariat, and forms the first of four reports. It was completed in June 1989 just after the Task Force on Federally Sentenced Women was established, and was intended to be of use to the Task Force in drawing together much of the current information about the imprisonment of women. The recommendations of the Task Force (see Creating Choices: Report of the Task Force on Federally Sentenced Women, April 1990) which have now been accepted, will change considerably the organization, and it is hoped, the content of federal imprisonment for women, but many of the issues discussed here are still of relevance.

The report is concerned with assessing trends in the imprisonment of women and the kinds of problems arising in its use in Canada and elsewhere. It does not pretend to be comprehensive in its coverage of the literature available, nor of the breadth of information about programmes and policies elsewhere. Recent reports by Lee Axon (1989), for example, provide information on a much wider range of countries and on specific programmes for women, which should be read in conjunction with this report.

EXECUTIVE SUMMARY

INTRODUCTION

This report forms the first part of a larger study of the federally sentenced female offender initiated by the Secretariat of the Solicitor General. It was intended to provide a background to the Task Force on Federally Sentenced Women, with an up-to-date account of the recent history and issues surrounding the imprisonment of women in Canada and elsewhere, and to assess the need for better information about the population.

The history of the imprisonment of women in Canada is similar to that of other countries, but has a number of unique features. These include the enormous size of the country, the relatively sparse population, the existence of significant cultural and linguistic differences, the disproportionate numbers of aboriginal women in prison, and the split in jurisdiction between provincial and federal governments. The existence of only one federal prison for women for the entire country imposes an additional problem.

A false sense of the size of the problem is created by the split in jurisdiction. While only around 250 women are serving federal sentences of 2 years or more in prison, and a further 200 on conditional release in the community, some eight thousand women are sentenced to terms in provincial prisons each year. No comprehensive information exists on the backgrounds and needs of women in conflict with the law in Canada, and it is important that future plans should clearly recognize the unique aspects of Canada's situation, and the need to base them on good information about the current population.

SECTION I: WOMEN IN PRISON - A LITTLE HISTORY

The rapidly expanding literature on women's imprisonment in a number of countries traces the changes from the incarceration of women with men to their gradual separation into different institutions. While some reforms stressed the minor nature of women's offending, and their potential for rehabilitation, for the most part there was little specific recognition of any differences between men and women in terms of their needs, and rather there was a more general neglect. Their relatively small numbers compared with men meant they were usually poorly housed, expected to undertake domestic work and given little training.

While imprisonment has been the major form of punishment for the past 150 years it has undergone constant criticism and many changes, reflecting changing political, social and economic circumstances. Thus there has been a recent reversion in some areas to co-correctional institutions on economic and administrative grounds. More significant, however, is the current focus on the difficulties of reintegrating women back into society and the problems created for women by imprisonment itself. There is evidence that women have rather different offence patterns from men, react differently to prison, have fewer educational and work skills and economic resources, are often primary carers of children, and more likely to have been abused both physicaly and sexually.

Since the 1970's it is the women's movement in particular which has done most to focus on the problems of women's imprisonment. This has highlighted the inequalities in the provision of facilities and programmes for women; the continuation of outdated models of women's role in society, stressing essentially non-economic domestic roles; and the poverty of most women's lives. Rising employment levels for some women in recent years have been matched by rising unemployment among women in the lower economic groups and in the numbers of single parents families.

In addition, the victim's movement has helped to expose the high levels of physical and sexual abuse experienced by women in our society and particularly those who end up in prison. In Canada, these issues have led to an emphasis on the need to provide community based and individually planned programmes which address some of these problems, rather than model women's imprisonment on that provided for men. Elsewhere it has been argued that the virtual abolition of the imprisonment of women is an achievable goal.

SECTION II: THE FEDERAL FEMALE OFFENDER IN CANADA

Federally sentenced women were housed in men's penitentiaries from 1834 until the first female institution was built in 1913 after 65 years of recommendations. They were finally brought together in a centralized institution, the Prison For Women (P4W), in 1934. Within 4 years it was heavily criticized as unsuited to the needs of the women and their dispersal back to provincial jurisdiction was recommended.

Since that time numerous reports have stressed the neglect of female inmates in terms of facilities and programmes; their geographical isolation and the resulting disruption of families and of release planning; the lack of services for natives and french-speaking inmates; excessive security levels; the lack of classification, and the application of policies based upon the much larger male population. The recommendations of three specific inquiries on federal female offenders in the 1970's were not acted upon, although legal challenges resulted in some improvements to facilities and programmes. Such reports have variously recommended the closure of the prison, its rebuilding, the transfer of federal women to provincial authority, or to regional centres under federal jurisdiction.

Since the last round of specific reports on federally sentenced women there have been some changes. The use of Exchange of Service Agreements (ESA's) with the provinces has expanded, enabling 40% of the women to serve their sentence in a provincial prison nearer their families. Little is known, however, about how this has worked out in practice, although they would appear to be without access to the kinds of programmes available at P4W. There is now much greater awareness of the needs of aboriginal women, and of women with children. Increasing sentence lengths have altered the profile of the federal population to some extent and have a number of implications for the management of the population.

Overall, there exists very little information about the characteristics of federally (or provincially) sentenced women. Official data provide only a rudimentary profile, and do not constitute a sufficient basis for sound recommendations. Few previous reports on the federal population have been based on a careful analysis of their characteristics and needs.

SECTION III: THE USE OF IMPRISONMENT FOR WOMEN: COMPARISONS WITH OTHER COUNTRIES AND TRENDS IN CANADA

Most Western countries have experienced a gradual increase in the proportion of women sentenced to imprisonment in the past 3-4 decades. However, they still constitute a very small proportion of total prison populations (2-5%) and, in general the increase has been in terms of petty property offenses. Increasing sentence lengths and an increase in drug-related offending are also common experiences in England and Wales, and Australia. The U.S.A., with its much higher incarcerated population has experienced rapid increases in female inmates and sentence lengths, the result, it is thought, of the population bulge, increasingly punitive sentencing policies, and the high incidence of drug-related offenses. Comparisons with the U.S. are on the whole not helpful, however, given the much higher incarceration rate of the latter which far outstrips that of other countries.

Canada would appear to make much greater use of imprisonment as a sentence for women (particularly very short provincial sentences) than countries such as Australia and England and Wales, with whom it has much in common. This suggests a lack of, or unwillingness to use, sentencing alternatives. Canada would also appear to have a much higher rate of remands in custody than England and Wales. Both the use of remands in custody, and of short prison sentences are likely to increase the flow of people into the federal prison system.

The federally sentenced female population has increased by around 50% since the later 1970's, but the numbers are still very small, and proportionately remain at 2% of the total federal population. There has not been a sharp increase in the imprisonment of women.

Much of the population growth has been absorbed by the use of ESA's. This increase would appear to be largely the result of increased sentence lengths for first and second degree murder, following the abolition of the death penalty in 1976, rather than an increase in violent crime among women. This has led to an accumulation of women serving long sentences reflecting the change in sentencing patterns.

SECTION IV: COMPARISONS WITH OTHER COUNTRIES - PROBLEMS AND RESPONSES

There is an accumulation of evidence from other countries about the generally non-violent nature of women inmates and the low risks they impose, the over-representation of aboriginal or racial minority groups, the high proportions of single mothers and of those with child-care responsibilities, the increasing need for drug and alcohol abuse treatment, or for physical and sexual abuse. The overuse of medication among women inmates, and the high level of health problems they present are also common problems.

Inadequacies in classification and programme provision, in the provision of health and appropriate psychiatric services, in provisions for mothers and their children, in the handling of behaviour seen as disruptive or destructive, and in the handling of long-term offenders, have all been identified as particular problems in women's institutions.

The constant concern about the isolation of women from their families and home communities is not peculiar to Canada. Even in countries such as England and Wales, or within individual states of the U.S., distance is still perceived to be a problem. This factor needs to be borne in mind in Canada. Halving the current distance between women inmates and their families will still not deal with the problems imposed by being far from home communities. The solution lies also in the type of provision provided, and in the spread of facilities.

Two distinct ways of dealing with some of these problems are evident. The traditional approach works within a correctional framework, and sees solutions to longer sentences, rising populations, or overcrowding as management issues, and in terms of new or expanded facilities, and tighter security. It tends to assume that longer sentences, higher proportions of drug or violence offenses, and an increase in violence and disturbances within prisons indicate a more difficult population and a rising crime rate, rather than an increasingly punitive sentencing approach, or a response to the pressures of incarceration. In its more humane mode, it calls for the development of improved programming for women within prisons, in some cases to be achieved through co-corrections in some form.

The alternative approach takes a much broader view of the problems, and sees women's imprisonment within the framework of their situation within society as a whole. It questions the applicability of the traditional correctional approach which has been developed on the basis of the imprisonment of men, but also because it fails to consider the need to use incarceration in the first place, or the destructive effects which imprisonment has on people whose tenuous ability to survive in the community is to a large extent the cause of their incarceration. It is this alternative approach which has demonstrated that many women do not need to be in prison, and that small-scale community alternatives and community-based treatment programmes can be less costly and more likely to succeed.

While Canada has not experienced an increase in female imprisonment on anything approaching the scale of that in the United States, and does not have overcrowding pressures inducing unusual responses (such as legislative ceilings imposed on populations), even our current limited knowledge about the backgrounds of women offenders in Canada suggests that the opportunity to adopt a non-traditional approach cannot be ignored.

In spite of the similarities, many of the problems and approaches taken in other countries are not necessarily applicable to Canada. We should be wary of importing 'solutions' developed on quite different sets of populations. The scale of female imprisonment in the United States requires approaches which are not necessarily transferrable. And since the federal population in Canada excludes those serving shorter sentences, it cannot routinely be compared with those elsewhere. In addition, given that so little interest has been shown in women until recently, there is still, even in the countries considered here, a notable lack of good information, and an abundance of assertion and speculation about the nature of the problems confronting women inmates.

SECTION V: ASSESSING RISKS AND NEEDS

Assessments of accommodation and programming requirements are often based on questions of the risks which inmates present both to themselves and others, as well as their needs. Most research on the prediction of risk has been based on male populations and is thought to be of questionable validity for women. The criteria used to assess the risks which men present, both in prison and on release, do not necessarily relate well to the circumstances and characteristics of female inmates, and particular care needs to be taken to examine the extent to which women do present a threat to society in or out of prison.

Even using the same criteria applied to male populations, the federal female population would appear to have less serious offending histories and lower reconviction rates than men. It is likely also that assessment of the circumstances of violent offenses, for example, among the female population would show them to be rather different from those of male offenders.

Women in other jurisdictions and in the federal population in Canada would appear to have been consistently over-classified. Native women in particular tend to have higher security ratings and lower parole release rates than non-natives. Previous attempts to classify federal women suggested that many of them could have been accommodated in less secure facilities, given supportive programming, and that provincial prisons were already housing women usually regarded as unsuited because of their sentence and offence.

While some women may find it more difficult to adjust to prison than men, they tend to be disciplined for less serious behaviour than men. Studies of disruptive behaviour among women suggest that much of it relates to the characteristics of an institution - that concentration on control is likely to stimulate disruption. There seems to be no necessary relationship between behaviour in prison and that outside. Similarly, studies of self-destructive behaviour in prison suggest that punitive responses and isolation may increase the incidence of such behaviour.

Taken together, these factors suggest that in considering the future of the federal population, security of provision for women may be much less important - and counter-productive - even for long-term offenders, than the quality of inmate-staff relationships and programming which responds to the needs which the women themselves perceive, and that community alternatives may well be a more viable (and less costly) option for a proportion of the population.

CONCLUSION

This report outlines a wide range of issues surrounding the use of imprisonment for women, and some of their implications for consideration of the future of the federal female population in Canada.

It suggests that imprisonment as a form of punishment is not an immutable institution, and its use for both men and women has been subject to considerable change over time. Most recently, however, its widespread use has been severely challenged by a loss of faith in its ability to rehabilitate offenders, and in relation to women in particular the grave disadvantages it creates for trying to reintegrate them into the community, given that they would appear to have fewer resources at their disposal than many men, and present fewer risks to society.

Current experience in other countries suggests a range of problems which are of considerable relevance to Canada - an increase in sentencing severity resulting in accumulations of women serving long sentences, increasing incidence of drug abuse among incarcerated female populations, evidence of high rates of physical and sexual abuse, the low level of education and vocational skills; the long standing neglect of provision of training appropriate to current conceptions of their role in society; the lack of attention to women's health needs, and the appropriate provision of psychiatric care; the high costs of incarcerating women who are mothers, many of them single parents, and the long term consequences of separation for those children.

The lack of information on federally sentenced women in Canada has been underlined by the report. Such information on their backgrounds is essential for making informed decisions about the extent of these kinds of problems here, and for assessing the type of support and programming which needs to be provided, and the type and location of accommodation they could cope with.

This requires the collation of information about offending histories, and social and economic backgrounds, about the extent of family responsibilities and ties in the community, about education and employment levels, about physical and mental health requirements, about the extent of drug and alcohol abuse, about the specific needs of native offenders, of those serving long sentences, or those from outside Canada. It requires assessment of the extent to which federal women do present risks to themselves or others, and how these risks can best be minimized.

It is also important to assess the views of current inmates themselves on their need for programmes and facilities, and the problems they have experienced in being incarcerated; how they would react to different kinds of institutional or community settings, or co-corrections, and their requirements for support and services on release.

In a number of jurisdictions, solutions to the increasing imprisonment of women are being sought not in expanded prison facilities, but in trying to stem the flow of women into the criminal justice system, and with the provision of a range of alternatives in the community which take account of the many problems which women offenders face. Dealing only with the federal population does not begin to touch on the wider involvement of women with the law, or on the much larger numbers of women in provincial prisons, but there seems every reason to consider the needs of those women who face the most severe sentences.

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THE FEDERAL FEMALE OFFENDER: REPORT ON A PRELIMINARY STUDY

INTRODUCTION

This report was conceived with the knowledge that a Task Force was being set up to consider the future of the federal female offender, and that it would be useful to have an up-to-date account of the issues surrounding the imprisonment of women offenders in Canada. A second purpose was to assess the scope for a survey of women under federal jurisdiction, again with a view to informing decisions about the needs and programme requirements of the current population, and the appropriateness of secure provision.

The approach taken has been a fairly wide-ranging one, although given the limited time span of the study, it can at times only touch the surface of some issues. This is purposeful in that too narrow a definition of the problems and assumptions about the status quo may mean that imaginative solutions are overlooked. It also seems clear that corrections in general, and women's imprisonment in particular have reached a stage in their development in Canada and elsewhere where there is less consensus about, and faith in, the ability of imprisonment to provide a positive rehabilitative environment.

In many respects the history of women's imprisonment in Canada is not unlike that found elsewhere - in England and Wales, Scotland, the United States or Australia for example. A relatively small population housed along with, and later separated from, the much larger male inmate population; subject to regimes which related to the then current views on the role of women in society and the reasons for their offending; generally neglected in terms of programme provision or proper work and training; attracting a small paragraph or penultimate chapter along with the mentally ill in the reports of Royal Commissions and committees of inquiry into prison conditions. More recently there has been a ground-swell of interest in, and criticism of, the lack of satisfactory conditions and programming for women in comparison with men. Alternative explanations of offending patterns among women which do not rely on explanations of male behaviour and criminality have been developed. Finally, consideration of the social and economic backgrounds of female inmates has led to the call for recognition of their 'special needs'.

To this history must be added the unique features of the Canadian situation: the enormous size of the land mass, the relatively sparse and widely scattered population, and the existence of significant language and cultural differences, with a disproportionate number of aboriginal women represented in the criminal justice system. In addition, there is the split in jurisdictional responsibility necessitating the development of parallel institutional systems at the provincial and feder levels. Finally, the existence of only one federal instituti serving women throughout Canada adds an additional set of problem

Seemingly, the current issue of the federal female offender centres around what should happen to some 100 of the 250 women serving sentences of two years or more. Already around 70 of them are housed in provincial prisons in their home province under Exchange of Service Agreements. The remainder are for the most part held in the single federal women's prison at Kingston, or out on day parole, and a few awaiting treatment or transfer in other institutions. A further two hundred are out on full parole or mandatory supervision in the community. It seems a small problem -a quick and simple solution must be possible. But even the recent history of events and developments indicates quite rapid swings, both of opinion and population requirements, so that the preferred solutions of ten or five or even three years ago no longer seem so clear-cut or acceptable.

It is of course clear that federal responsibility is for the care of federal offenders, but the two-year rule has helped to set up a false sense of the size and dynamics of the problem of women's imprisonment in Canada, and the solutions which might be appropriate. Women, and indeed men, who are sentenced to two years less a day have very similar problems and requirements to those sentenced to more than two years. Some 8,800 women are currently admitted to provincial institutions in a year, and some 5,000 are remanded in custody to those institutions.

With the exception of one survey conducted over seven years ago (Misch et al., 1982) we do not have much idea who those women are, why they are there or what are their needs for programmes and support. No coherent history of women in provincial institutions would appear to exist. We do not know what effect the high use of remands in custody has on the women themselves, or on their subsequent chances of a prison sentence. Nor do we know how many of them will eventually end up in the federal system, or how their experience in the provincial system has influenced their subsequent history. We do not know what effect the existence of the two-year split in jurisdiction has on the court's sentencing decisions. Criminal justice systems are, after all, composed of a series of inter-dependant parts, what happens at the sentencing stage or before helps to shape the size and nature of the inmate population, whether provincial or federal. And what happens in provincial prisons may influence who returns to federal prison. At the end of the line, the federal system is the most vulnerable to changes in the rest of the system, and the least able to influence the flow of cases into its jurisdiction.

This difficulty has in part been recognized by previous Canadian reports on women offenders - the Clark Committee in particular refused to restrict itself to the federal female offender, and felt it must consider issues relating to the treatment of women throughout the criminal justice system, from arrest to imprisonment (Clark Report, 1977). The Oiumet Committee concluded that it was important to develop a unified service for each province for the imprisonment of women (Ouimet, 1969). Most recently the Women in Conflict with the Law initiative has drawn attention to the need for far greater provision of facilities and assistance to women likely to become involved with the law, to help to stem the flow into the criminal justice system (e.g., Adelberg, 1985).

For some people, tinkering with the futures of 250 women may seem too little - failing to tackle the real and larger problems earlier in the system. But the fate of those women is also symbolic in other ways. If, by focusing on the problems raised in the care and treatment of the relatively small number of federal female offenders we can begin to influence attitudes and practice in relation to women at earlier stages of their involvement with criminal justice, this may have some longer term effects on the lives of female, and male, offenders in Canada.

The Uniqueness of Canada's Problem

The normal response to trying to solve a problem is often to consider how others have tackled it. This has been the standard approach of Royal Commissions and task forces. Early enquiries into penal conditions in Canada (e.g., the Archambault and Fauteux Committees) were usually accompanied by excursions to Britain and other European countries to view facilities and discuss policy. Later enquiries have spent more time in the United States searching out model institutions and good practice for solutions which could be transplanted to Canada (the Clark Committee visited the California Institution for Women, for example, a prison housing over 1000 women). Important as such cross-fertilization of ideas is, there are, as with every country, historical and physical factors which make Canada's problems unique. Part of the purpose of this report is to argue for the resolution of the current problem of how to handle federal female offenders on the basis of a clear recognition of the unique features of the Canadian situation, and on the basis of good information about that population, rather than in terms of transporting 'solutions' or assumptions about their characteristics and future numbers from elsewhere.

STRUCTURE OF THE REPORT

This report is divided into a number of sections, based on both a review of the more recent literature on women in prison, and an analysis of available data. The first section deals briefly with the history of the imprisonment of women, and some of the issues which have arisen in relation to their treatment and care.

Section II outlines developments in the imprisonment of women in the federal system in Canada, and summarizes the reports and recommendations which have been produced over the years in an attempt to provide better solutions for the care of the federal offender. It considers some of the changes which have taken place since the last major investigations in the 1970's, and existing knowledge about the current federal population.

Section III compares the use of imprisonment for women in Cana with that in other countries, and considers recent trends i populations and their implications for Canada.

Section IV attempts to summarize developments in other countries, in terms of the kinds of offenders now being incarcerated, the key problems which are emerging, and the approaches which have been taken to deal with increasing populations of female offenders.

Section V discusses the implications of assessment of risks and needs for consideration of the future accommodation and treatment of the federal offender in Canada.

A concluding section briefly summarizes the main findings of the report.

SECTION I

WOMEN IN PRISON - A LITTLE HISTORY

Neglect, Punish or Reform

There is now a rapidly expanding literature on the history of women's imprisonment (see for example Rafter, 1982, 1983, 1985; Heffernan, 1983; Dobash et al., 1986). This has helped to counterbalance existing histories of incarceration based primarily on men (e.g., McConville, 1981; Ignatieff, 1978) where women receive incidental treatment. Studies of women's imprisonment enable us to trace a number of stages of development, from the early eighteenth century pattern of incarcerating all offenders - women and children and men together - through the nineteenth century reforms initiated by Elizabeth Fry and others which resulted eventually in the separate housing of women ("to ensure that they enjoy the efficacious superintendence of the pious and benevolent of their own sex" E.Fry, quoted in Heffernan, 1983). For a considerable period of the nineteenth century, however, separation meant merely that women were housed in a separate part of the prison building, as was the case at Kingston Penitentiary from its opening in 1835 (Cooper, 1987), and in Auburn Prison in New York where they were confined in a single attic room above the kitchens (Rafter, 1983). They were given no special treatment or work other than a little sewing, and might still at times be sexually exploited [1].

Later, and particularly in the United States, there was the development towards the end of the nineteenth century of alternative forms of treatment as well as housing for women and men (Rafter, 1983). This was personified by the reformatory movement which stressed the essentially minor nature of women's crime, their potential for reformation, and the need for care appropriate to their 'feminine' nature. In the United States this movement ran its course from the 1870's until around 1930, and resulted in the construction of numbers of cottage-style institutions which endeavoured to train women for traditional domestic roles and employment. They included the first federal institution for women at Alderson, West Virginia, completed in 1927 and hailed at that time as "The Government's unique experiment in salvaging women criminals" (Schweber, 1982).

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[1]. In England pregnant women were expected to use the treadmill in the early nineteenth century, for example, and in one London prison a trap door was let into the women's quarters to allow male prisoners access on payment to jailors (Ignatieff, 1978).

There has, however, always been a divergence of views on the wickedness and reform potential of women. A report by a prison matron in 1878 in Britain suggested that female convicts were a source of well-nigh intractable disciplinary problems, and that female convicts as a class were "desperately wicked, deceitful, crafty, malicious, lewd and void of common feeling....in the penal classes of the male prisons there is not one man to match the worst inmates of our female prisons" (quoted in McConville, 1981). While corporal punishment was no longer used for women by this period, canvas dresses, ankle straps and dark cells were used to calm and subdue such refractory women. In the 1850's Ignatieff reports (1978) women at Millbank prison in London, protesting at the end of transportation to the colonies "tore up their bedding, set fire to their uniforms, banged on their cell doors, stripped naked before their astonished matrons, and broke the silence with swearing and chants", and the director of convict prisons confessed that Brixton women were "entirely beyond control, beyond the bounds of all propriety and decency, beyond hope save in the exercise of some miraculous agency".

As Rafter (1982) has shown too, alongside the reformatory movement in the United States, some women continued to be housed in institutions run on custodial or penitentiary lines, and where little demarkation between the regimes of men and women existed. Except, that is, that the small numbers of women led to their general neglect. Such institutions were often used "to house older and second-term felons - women considered too far sunk in criminality to respond to reformative influences." (Rafter, 1982). In this custodial model there was little emphasis on the development of responsibility, but a reliance on rules to ensure discipline. Thus women were treated differently from men in both models, on the one hand as childlike and malleable, on the other by neglect.

Outside the United States, countries like Britain and Canada do not appear to have developed such an explicit dual system (although the treatment of young offenders and the use of open prisons for women and men in Britain have had much in common with the reformatory style). In Britain, for example, women were housed in convict prisons with a separate administration from men by the 1870's, and in the case of the Fulham Refuge were taught baking, cooking and washing, but no specific reformatory movement appears to have existed. Even separation of buildings was not fully achieved until the end of nineteenth century. The main women's prison Holloway built in 1852, was not used exclusively for women until 1902 (Morris, 1987). In Canada, while the housing of federal women offenders in a separate institution was recommended as early as 1848, it was not achieved until 1912 (Cooper, 1987).

The Major Punishment of Choice

As the major punishment of choice in the Western world for the past 150 years, imprisonment has always attracted attention and controversy, although there have been brief periods of consensus and satisfaction with new models. In many cases the impetus for change has come from individuals and pressure groups outside government, as in the case of Elizabeth Fry, or the powerful women lobbyists who helped to establish Alderson in the United States (see Schweber, 1982). Sometimes such pressures have come in the wake of disclosures of disturbances or unsatisfactory conditions in institutions, as in the case in Canada of the Brown Commission in 1848, or the Nickle Commission in 1921.

There have also been fluctuations in the extent to which imprisonment has been used. Far more women received terms of imprisonment in Britain at the turn of the century than today for example. Morris (1987) notes that 49,000 women were sentenced to imprisonment there in 1899, and they represented 20% of the prison population. In Canada over the period 1845-73 8% of federal prisoners were women, compared with 2% today (Orr, 1989) [2].

It is clear, therefore, that our views on the value and appropriate use of imprisonment have continually changed over time. They reflect the political, social and economic framework of a period. There is no fixed norm. This has been well demonstrated in recent years by two major shifts in philosophy. The principle of the separation of women from men, which took so long to establish, has now in some jurisdictions been superseded by that of co-corrections, which stresses the benefits of housing men and women in the same institution (Smykla, 1980; Resnik, 1983). Co-corrections it is now argued may be beneficial for a number of reasons, administrative, economic or rehabilitative, and for women as well as men, although its acceptance is by no means universal (e.g., Crawford, 1980; Ross & Fabiano 1985; Schweber, 1984).

But perhaps of greatest significance is the recent change of focus from viewing imprisonment as a unique opportunity to re-educate and change offenders, to the current climate which stresses the grave disadvantages it creates. It has been repeatedly argued in recent years that efforts to provide treatment or education and training which will help women in particular to be reintegrated into the community, or with their families, are severely constrained by incarceration (Adelberg & Currie, 1987; Carlen, 1983; Dobash et al., 1986; Immarigeon, 1988) And a loss of faith in the rehabilitative potential of prisons, and scepticism about its deterrent function are cited as major explanations for the sharp decline in the use of imprisonment in West Germany in the past few years (Graham, 1987, 1990).

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[2]. Similarly, in the United States women represented 9% of the prison population in the 1820's and in Australia by 1894 20% of the population were women (Heffernan, 1983).

Women are different?

The more recent history of women's imprisonment provides further illustration of the flexibility of our notions of how women should be treated. Rafter (1983) suggests that developments in the United States have been less clear-cut since the demise of the reformatory movement. Aspects of the custodial model began to be incorporated into reformatories for women, and women's institutions as a whole suffered the neglect characteristic of earlier periods, with attention primarily focused upon the much larger population of male prisoners. What did not change, however, was the traditional view of women's place in society, the tendency to treat them as 'girls', the failure to train them, if at all, for anything other than 'female' occupations. In many jurisdictions this amounted to what Heidensohn terms a cosmetic approach, with "gallons of pastel paint on old prison walls, cretonne flowery curtains over windows" (1985).

From our current perspective, differential treatment based upon unequal numbers and stereotypes about women has resulted in unequal treatment, and has been the major focus of attention through litigation over the past few years in the United States, and as it was in the case brought against the Correctional Service of Canada on behalf of federal female offenders in 1981 (see also Berzins & Cooper, 1982).

A rather different path, however, was followed in Britain which saw the development of further specialization in the treatment of female prisoners based on the notion that women on the whole were not bad, but mad. The notion that women offenders are disturbed or abnormal has a long history, and in Britain where corrections has been strongly dominated by psychiatry, it led to the announcement of plans to re-build Holloway, the main women's prison in the South East, as a psychiatric prison hospital in 1968. Most women in prison were regarded as inadequate and many of them seriously disturbed. Similarly, the new women's prison in Scotland, Cornton Vale, built in the 1970's was based on a family unit/psychiatric model (Morris, 1987; Dobash et al., 1986). In the case of both prisons, women were to live in small units emphasising domestic roles. All forms of productive industrial training were to be specifically excluded. By the end of the 1970's, however, the view that women in prison are all mentally disturbed had receded, and a witness to a Parliamentary Committee on Women in the Penal System expressed the view that the general impression of the female population was that they were "depressingly normal" (Seear & Player, 1986). Nevertheless, as a number of commentators have argued women are still treated differently, and unequally (Carlen, 1982; Heidensohn, 1985; NACRO, 1989b; Seear & Player, 1986).

The notion that women are different from men, and require different treatment has, it has been argued, helped to create a situation where the two groups receive not only different, but very unequal treatment. But it is clear from current concerns, that the notion of women being different is not likely to disappear. As will be discussed in a subsequent section, there is evidence that women in prison do react differently to imprisonment from men, that they are less likely to have committed violent offenses, that they are more likely to be addicted to alcohol or drugs, that they are more likely than man to have been physically or sexually abused, that in general they have lower educational or vocational skills, and that they will have been separated from children for whom they have a primary responsibility. It is these types of differences which, it is argued, should determine the types of programmes and security requirements of incarcerated women, in addition to those programmes and facilities normally available to men. This amounts to what the American Correctional Association terms 'parity of treatment'(ASC, 1986).

Not everyone is in agreement about how this concept of women having equal treatment but additional programmes associated with gender-related needs is to be achieved. Resnik (1983), for example, argued that sexual segregation

> "does not advance any appropriate purpose that underlies incarceration. The sex of a prisoner does not reveal the degree of culpability of an inmate nor the amount of supervision an individual requires. Furthermore, sexual segregation does harm to the emerging, but still fragile, societal value of sexual equality. The policy of separation works to deprive both female and male inmates of a full range of facilities, services, and opportunities."

Resnik's argument is interesting since she is concerned not with promoting the benefits of co-correctional prisons for economic or administrative reasons, which tends to be the normal pattern, but with the discriminatory effects of separation on women in terms of reinforcing the negative stereotypes associated with women's institutions.

This divergence of opinion seems unlikely to be resolved in the near future. While a recent report on the problems of women's imprisonment in England and Wales (Seear & Player, 1986) suggested that co-corrections may be the only solution which would ensure equality of treatment, serious doubts about the benefits for women remain. Schweber (1984) and Biles (1984), for example, argue for separation on the grounds that many women in prison need a place apart from men, and that they would quickly be forced into stereotypical roles in a mixed institution. Some of these issues are discussed more fully in Section IV of the Report.[3]

Women are different but equal

It is, however, the feminist movement of the 1970's which has done most to reawaken interest in women's imprisonment, and to raise issues of differences and equality, as well as questioning the need to use imprisonment at all for many women. It is only in the last ten years or so that there has been any real interest in women's imprisonment. Of the enormous literature on the prison prior to that point, almost all of it had been concerned with men's prisons, or assumed to apply to women too. What little material there was tended to be an extension of interest in male prisoners, in terms, for example, of their adaptation to prison life, and based on an unquestioning acceptance of traditional stereotypes about the appropriate roles of women. Thus the major sociological contributions of the 1960's were concerned with homosexual relationships in women's prisons, and in the re-creation of family roles and relationships within the prison (Giallombardo, 1966; Ward & Kassebaum, 1965). Yet no comprehensive data was collected on the characteristics of women in prisons in the United States, for example, until 1977, and a major survey of the prison population in England conducted in 1972 excluded women (Home Office, 1978). There were too few of them.

Since the 1970's, traditional sociological and psychological interpretations of female criminality have been subjected to vigorous critiques (e.g., Smart, 1976) which have spilled over into concern with the conditions of women's imprisonment, as well as the complexity of the problems facing women who end up in prison. This concern is now evident in many countries, and particularly the United States (e.g., Daly & Chesney-Lind, 1988), Britain (e.g., Carlen, 1982, 1983; Dobash et al., 1986), Australia (e.g., Hatty, 1984; Naffine, 1987) and Canada (e.g., Adelberg & Currie, 1987; Berzins & Cooper, 1982; Deschepper, 1987).

It is this work in particular which has stressed how society's conception of the role of women has helped to shape the form of institutional commitment, as well as the kinds of women for whom prison is thought appropriate. Thus Carlen (1982) and Heidensohn (1985) argue that because the dominant view has been that women's role is to function as a good wife and mother, women are sent to prison not only because they have broken the law, but for failure to fulfil that role in an appropriate way. (As one sentencing Sheriff remarked to Carlen "Women who live ordered lives don't commit crime because with a husband and children to look after they don't have the time" (1982)). Such considerations do not form a part of decisions to sentence men to prison, as a number of writers have pointed out (see for example, Edwards, 1984). Carlen's analysis in particular stresses the social control functions of prison which she sees as an extension of the control over women's lives in society at large.

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[3] See also The Political Discourse on Women in Prison and the Issue of Co-corrections. Karen Rodgers (1991) M.A.thesis University of Ottawa.

A second, but related aspect of recent criticism is concerned with demonstrating the poverty of the lives of most women in prison in terms of their ability to earn money, and their social circumstances outside prison. "Women in prison (like men) have been and are predominantly working-class, poor, and unskilled." (Dobash et al., 1986). Because of their perceived role in society, however, they have fewer skills and resources at their disposal than men.

While there has indeed been a substantial rise in female employment in most societies over the past decades, there has also been a substantial rise in unemployment among women. And the women moving up the labour force are very different from those who are likely to end up in prison (Naffin & Gale, 1989). In addition, the increase in the numbers of single parent families has compounded the burdens on these women (MacLeod, 1986).

Thirdly, much of this criticism has focused on women's role as a victim of physical and sexual abuse both in childhood and adulthood. Graphic accounts by Carlen of the violence to which the Scottish women she interviewed had been subjected, are found elsewhere in the burgeoning literature on family violence (e.g., MacLeod, 1987), and in Canada the rapid expansion of policies and services for victims has helped to demonstrate the size of the problem (Rock, 1986).

An alternative approach to both traditional and co-correctional forms of imprisonment and programming for women has been put forward by a number of the writers in Canada and elsewhere. They argue that women in prison have more in common with other women than they do with male inmates, and that programmes and services should be designed to meet local needs and circumstances, or planned individually, not on the basis of some centralized blueprint (e.g., Berzins & Cooper 1982; Deschepper, 1987; Kappel, 1987; Ross & Fabiano 1985). Ross and Fabiano (1985) in their review of programme development for women offenders in North America argue for the replacement of a model which assumes women need therapy with one which they term the social competence model. This assumes that women enter the criminal justice system because they lack the skills to succeed elsewhere.

Summary

The use of imprisonment for women has moved through many phases over the past century or more, and it should not be regarded as an immutable institution. Heffernan (1983) suggests that for the United States at least there is now considerable diversity in the types of conditions under which women serve their sentences, whether in single sex institutions or mixed institutions. But the lack of parity in provision for female inmates, and the long-standing neglect of women's circumstances and needs still dominate discussions about their incarceration. There has also been a major shift in attitudes towards the imprisonment of women, and in the conception of women's role in society. As some commentators have argued, "there are dangers in setting up men's prisons as enviable institutions since this implies that imprisonment can be a valuable experience" (Dobash et al., 1986). They go further in suggesting that imprisonment *per se* is both an irrelevant and a damaging response to women's crime - "the sorts of reforms of prison regimes that seek to make them as much like the 'outside' as possible ('almost human') seem tortuously pointless when the virtual abolition of prison should seem an achievable goal for a prison population...the majority of whom have committed relatively minor property or behavioural offenses."

Such considerations cannot be ignored in considering the future response of the criminal justice system to female offenders and the future care of federal offenders in Canada.

SECTION II

THE FEDERAL FEMALE OFFENDER IN CANADA

A: THE BACKGROUND TO THE CURRENT DEBATE ON THE FUTURE OF FEDERAL OFFENDERS

In the context of the general neglect of women's imprisonment briefly reviewed in the previous section, it is no surprise that a coherent account of women's imprisonment in Canada was not published until 1987 (Cooper; although a shorter version had appeared in Berzins and Cooper in 1982). That account, however, is concerned primarily with the imprisonment of federal women offenders at Kingston penitentiary. Women sentenced to federal terms were also housed in other penitentiaries prior to the construction of the Prison for Women at Kingston, and those with sentences under two years will have been housed in a variety of provincial prisons. A comprehensive history of the imprisonment of women in both federal and provincial prisons in Canada is clearly needed.

It is also clear that a much more detailed account of the development of the Prison for Women based on archival and other data would help to shed more light on the factors which led to its development (and indeed some work is currently in progress, e.g., Webber, 1988).[4] Why, for example, was it decided to build a prison modelled on nineteenth century penitentiary or custodial lines in 1925, rather than a reformatory style institution on the lines of those then under construction for federal women offenders at Alderson, West Virginia. It is tempting to assume that federal offenders in Canada, with their longer sentences, were perceived in some way as being unsuited to the reformatory, or that a custodial institution was more in keeping with the image it was wished to project. Certainly, as Gavigan (1987) points out, the Archambault Committee by 1938 felt federal women could more suitably be accommodated in reformatory-type institutions.

In her study of the evolution of the federal women's prison at Kingston, Sheelagh (Dunn) Cooper traces the familiar picture of "neglect, outright barbarism, and well-meaning paternalism" (Cooper, 1987) in the treatment of female offenders in Canada. It is not intended here to repeat that history, but in relation to the work of the current Task Force, it may be useful to summarize the major developments and recommendations in the history of the federal female offender discussed by Cooper and others, and to bring the account up to date. (See also Appendix I).

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[4]. A few other studies relating to the imprisonment of federal offenders do exist, eg. Watson (1980) in a sociological study of imprisonment compares aspects of social control at the Prison for Women and the provincial prison Maison Tanguay in Montreal.

Early Developments

1835 Women were first housed in the newly erected Kingston Penitentiary in 1835.

1848 The Brown Commission strongly recommended the building of a new separate unit for women, and the provision of work to improve discipline and help offset costs.

1913 Following 65 years of recommendations, a separate women's prison was finally built inside the walls of Kingston Penitentiary.

1914 The Macdonnell Commission recommended that women should be moved closer to their homes under provincial authority.

1921 The Nickle Commission was appointed to investigate allegations of sexual misconduct at the women's prison. This was the first enquiry specifically concerned with the federal female offender. It recommended the construction of a new prison outside the walls of the penitentiary, and improvements in pay and working conditions.

1925 Construction began on the new Prison for Women.

1934 Prison for Women finally completed to house 100 women. Forty women serving federal sentences were moved in.

1938 The Archambault Commission found conditions in the new prison very inferior to those existing elsewhere. It recommended closure of the prison, and the return of all women to their home provinces under provincial authority. It was felt that the small numbers did not justify the heavy costs of upkeep and transportation, and cut women off from their families. The provinces appeared to be favourable to the proposal.

Developments from the 1940's to the early 1970's

1946 The Commissioner of Penitentiaries and the Minister of Justice apprcached the provinces to seek agreement to the transfer of federal women to their authority. Most now felt unable to take on such responsibility because of lack of suitable facilities, or without financial assistance (Webber, 1988).

1956 The Fauteux Committee recommended the maintenance of a central facility for women in the federal system, on the grounds that it was easier to develop good programmes in one prison. They were aware of recent plans to build a new women's prison at Kingston, and felt that the provision of more intensive medical, educational and vocational programmes for women overrode the benefits of being housed closer to home.

1956 Plans to build the new women's prison at Kingston were shelved following a public outcry against a central facility.

1960 Because of overcrowding 50 beds were added to the Prison for Women, and one wing of Matsqui Prison B.C. opened for the treatment of drug offenders.

1965 The Ministry of Justice proposed the construction of a new prison for women at Cornwall, Ontario. The plans were abandoned after complaints of the lack of support services in the area.

1968 The Solicitor General announced plans to build a new federal prison in the Ottawa area with facilities for French and English speaking women.

1968 The Canadian Correctional Association recommended, on the grounds of their isolation at Kingston, that the provinces assume responsibility for all federal female offenders.

1969 The Ouimet Committee recommended the development of a unified service for all women serving over 30 days in each province. This would be accomplished by the purchase of services from the larger provinces for federal offenders; the building of a federal facility in the Atlantic provinces allowing the latter to purchase services for their offenders; and in the case of Manitoba and Saskatchewan they might purchase services from neighbouring provinces or a federal facility might be built. Provision would be made for the separation of long and short termers. The Committee argued its case on the grounds of the hardship imposed on women by separation from their home regions, and the lack of classification at Kingston, or provisions for French-speaking inmates. It also recommended the appointment of a woman at the federal level "to a position of senior responsibility and leadership" in relation to women offenders in Canada.

1970 The Royal Commission on the Status of Women recommended the closure of the Prison for Women, and that federal offenders be housed in appropriate living quarters integrated into the community. A subsequent working party found its recommendations simplistic, and on visiting the prison concluded it served a useful purpose in rehabilitating women and should be improved and maintained (see Needham, 1978 p.8).

1970 Matsqui Prison B.C. closed to federal offenders.

1973-75 onwards Exchange of Service Agreements developed between the federal government and all provinces except Ontario and Prince Edward Island.

Recent Developments

1977 The Clark Report.

The National Advisory Committee on the Female Offender (NACFO) was appointed in 1974 as a short-term advisory group. It was only the second major committee set up specifically to consider the future of the federal female offender. The six members of the committee included two members of the National Parole Board, a judge, and three representatives of the voluntary sector. They were appointed to study the needs of the federal offender and "to make specific recommendations on the development of a comprehensive plan to provide adequate institutional and community services appropriate to her unique program and security needs". A year of consultations with the Corrections Service and others took place before final publication.

The Committee found, however, that it was impossible to restrict their review to federal women, and that it was necessary to consider female offenders in the criminal justice system throughout Canada, although they pointed out the serious lack of systematic information about women in the system.

While a useful statistical study of women in the criminal justice system was undertaken to aid the Committee (Adams, 1978), and extensive consultations were held across Canada, the final report itself is a rather curious one consisting primarily of a very extensive list of recommendations concerning a wide range of issues, from staff training and standards, to provisions at the court level and the need for statistics and research. Discussion of the issues, and the use of information to support recommendations is limited, however, and tends to be based on assertions about, for example, the 'special needs' of women (a low self-image, weak family ties, a tendency to self-mutilation). It was criticised from at least one quarter on the grounds that it was soft, poorly documented and, therefore, likely to be ineffective, as well as for its recommendations on closure of the Prison for Women (Rosen, 1977)).

The central recommendations in the Report concerned the closure of the Prison for Women and alternative plans for federal offenders. Closure was justified on the grounds that the building was unsuitable, the women were isolated geographically, and that there was no classification or specific provision for French speaking offenders. It was also stressed that minimum security facilities should be used as much as possible, and an emphasis placed on community-based programmes. Closure was to take place within three years of the Report's publication. Two alternative plans were put forward:

Plan 1 The federal government would retain responsibility for women serving sentences over two years, but would develop small regional secure facilities for federal inmates. Services could be purchased from the provinces for women not requiring a secure setting. The provinces could similarly purchase services in the regional centres if they required secure accommodation.

Plan 2 The provinces would assume responsibility for all female offenders. Certain provinces would undertake to provide small secure facilities in which other provinces could purchase services. Provinces would be encouraged to develop special programmes to meet population needs, and the federal government would redefine its role in terms of financial assistance, research coordination, standards and staff training.

In a minority report, one member of the committee took issue with the recommendation to cease the maintenance of a central maximum security facility, on the grounds that the there had been, and would continue to be, an increase in women's involvement in crime and particularly crimes of violence. While such a concern was to some extent understandable, since the Committee was working at a time when there was considerable discussion about the effects of women's involvement in the workplace upon crime rates (see Section III) to make such assumptions on the basis of large percentage changes but very small numbers was unjustified. A second concern was with the ability of the federal government to ensure standards throughout the provinces if it renounced responsibility for federal offenders.

Overall the basic principles guiding the committee were that women offenders should be housed as close to their homes as possible, that there should be well designed programmes, that maximum use be made of the community, and that there should be minimum standards for the country as a whole.

1977 The MacGuigan Report.

This report of the Parliamentary Sub-Committee on the Penitentiary System, published in the same year, condemned conditions at the Prison for Women in the by now familiar terms that it was "unfit for bears, much less women" (p. 135), and stressed the inequalities in the treatment of women in the federal system. After hearing evidence from a number of people including the inmate committee, it argued that women did not require the maximum security afforded by the prison, that at least half the inmates were between 500 and 3000 miles from their families, and that they were deprived of the facilities available to men in Community Correctional and Release Centres.

It recommended that the prison be phased out immediately, and that small cottage-type institutions or village clusters with minimum security be developed in at least three regions of Canada. It also suggested the re-inclusion of federal women housed in provincial facilities under Exchange of Service Agreements, to make regional facilities viable in terms of programme development, and the possible use of private homes as release centres for women on day parole.

1978 The Needham Report.

"there is no ideal solution to the problem of the female offender. The country is too vast and the number of women in prison too small to permit anything but the compromise solution recommended in this report" (p.48).

In response to the Clark Report, the National Planning Committee on the Female Offender (NPCFO) was appointed in 1977 to consider its major recommendations, in particular, those relating to the future of the Prison for Women and the alternate plans. This committee, under the chairmanship of Mr. Alan Needham, was a joint provincial-federal one, since the recommendations of the Clark Report had significant implications for federal provincial relations. There were two federal representatives, but not all the provinces were represented and there were changes of personnel between the three sessions of the Committee.

The Needham Committee felt that while many previous reports, including the Clark Report, had recommended closure of the Prison for Women, evidence of the physical inadequacy of the prison, or the costs of alternatives had not been provided. It commissioned three studies, on trends in the federal female population, classification of the current inmate population, and standards at the Prison for Women. It also received evidence from the Canadian Society of Elizabeth Fry Societies, the Civil Liberties Association (both in favour of closure of the prison) and the Advisory Council on the Status of Women (against closure), and requested a formal response from the Ministry of the Solicitor General to the Clark plans (which was a preference for a complete provincial takeover).

Plan 2 of the Clark Report which recommended the provincial take-over of federal offenders was in the end rejected by the Committee on the grounds that the unanimous agreement of all the provinces was unlikely to be achieved, but also because most of the smaller provinces felt it was unfeasible for them to house long-term offenders. It would be costly, and the mixing of long and short-termers might not be advisable.

The Committee voted instead for decentralization under Plan 1. While there was clearly some preference on the part of the federal representatives on the committee to retain a refurbished Prison for Women, the Committee voted in favour of closure, and recommended the establishment of at least one community-based residential centre in the East and one in the West. The women would be closer to their homes. The number of such centres was to be determined by a feasibility study. A decision was to be reached by December 1978, and construction of new centres finished within three years. Meanwhile, there were to be minor internal improvements to the Prison for Women. They also urged that maximum use should continue to be made of Exchange of Service Agreements. Overall, the Needham Committee was in agreement with most of the Clark Report's recommendations and its basic principles therefore.

1978 The Chinnery Report.

"We were unable to identify any option that would totally meet all the objectives we would wish to achieve in the treatment of female offenders"

Following the Needham Committee's recommendation that the feasibility of the proposed regional centres should be assessed, the Joint Committee to Study Alternatives for Housing Federal Female Offenders was given three months to produce a specific plan. The committee was chaired by the Director of the Prison for Women, and included representatives from federal corrections and voluntary groups (CAEFS and the Citizen's Advisory Committee). A Working Group which included the then current and former Coordinators of Female Offender Programmes (Lorraine Berzins and Sheelagh Dunn) was set up. Academic consultants were also appointed, and data collected on population trends, the profile and security and programme needs (including location, educational, vocational and health issues) of the current population at the Prison for Women (using questionnaires for classification officers, and inmates), and standards prevailing elsewhere. Detailed costings of alternatives were commissioned.

The Committee saw its primary objective as providing levels of security and programme opportunities appropriate to the individual needs of inmates but which also took account of the cost to the Canadian taxpayer. It was particularly concerned with the over-classification of women in security terms which had been identified by previous reports. While the Report itself provides only a brief summary of the considerable amount of work undertaken and the data assessed, it was based on the most careful assessment yet of some of the crucial problems confronting the issue of how women offenders were being handled. Much of this material is contained in an unpublished report produced at the end of 1978. (Progress Report on the Federal Female Offender Program, Berzins & Dunn, 1978) and is discussed in Section V of this report.

In part influenced by current fashions and developments elsewhere (visits were made to U.S. facilities), the Committee stressed the importance of 'normalization' of regimes, and saw co-corrections as one way of achieving this as well as solving the practical problems imposed by small numbers in some regions. It also concluded that "a central facility with a fair degree of security was essential".

Having costed various alternative proposals for housing federal offenders, they rejected the notion of building a brand new central facility which it felt would be costly and "would tend to lock us into the institutional mode at the expense of alternatives to incarceration". The final choice of the Committee was to purchase Vanier Institution in Ontario to serve as the central facility in the East, and to convert Mission B.C. into a co-corrections institution to serve those in the West. In the event that Ontario was unwilling to sell Vanier, they recommended the use of a refurbished Prison for Women, together with Mission.

Plans to phase out the Prison for Women were announced by the Solicitor General in 1978.

1980 Canadian Advisory Council on the Status of Women

In a brief to the Correctional Service of Canada they argued that although women had an increasing involvement in the work force, they continued to occupy low paying jobs and predicted an increase in poverty among women. They proposed a preventive approach to corrections which would emphasise diversion and alternatives to imprisonment, recommended the closure of the Prison for Women, and federal assistance to the provinces to provide a range of facilities and programmes which would focus on the reasons why women came into conflict with the law.

1981 Canadian Association of Elizabeth Fry Societies

In a brief to the Solicitor General they presented a series of detailed recommendations to upgrade programmes and bring them up to the level of those available to male inmates. Closure of the Prison for Women which was then planned for 1985, had been pending since 1978, and they argued had resulted in continued neglect in the provision of services. They also argued that because of the small numbers, funding for female federal offenders should be at a higher per capita level than for men, to ensure parity of programming. The establishment of a Sixth Region within the Correctional Service to take on all issues relating to federal women was also recommended, as one way to ensure full recognition of their special needs.

1981 Canadian Human Rights Commission.

A complaint was laid against the Correctional Service of Canada by a newly formed political action group Women for Justice (Liaison, 1982). The group was formed in 1980 and brought together a number of women in the criminal justice field who felt that women in prison suffered from being dealt with by a system devised for men. The complaint entailed 11 charges of sexual discrimination against women by the Correctional Service.

The Commission upheld 9 of the 11 charges relating to lack of programmes, employment and pay opportunities, lack of a range of security classifications or institutions, poor facilities and inadequate medical and psychiatric services. It rejected those relating to the over-representation of male administrators in the Service.

The case was sent to conciliation and finally closed in 1984. The Commission concluded that "the Correctional Service has, if not fully, at least substantially, addressed the issues", and considered the complaint partially redressed. Women for Justice felt they could not sign an agreement (Berzins & Hayes, 1987).

1988 The Canadian Bar Association.

As part of his much larger report for the Canadian Bar Association 'Justice Behind the Walls' Jackson briefly reviewed a number of recent reports on the federal female offender. He recommended that legislation be introduced to compel the closure of the Prison for Women, but made no comments on what should take its place, although he reiterated the suggestion of the creation of a Sixth Region. It was suggested that prisoners' right to negotiate aspects of the conditions of their imprisonment should be acknowledged legally. It was also noted that Exchange of Service Agreements raised a number of problems in terms of inequalities for federal female offenders in comparison with their male counterparts in federal prisons.

1988 The Daubney Committee.

"There is obviously no simple answer to the question of how the needs of federal female offenders should best be met" (p.240).

As part of its much broader review of sentencing, conditional release and corrections, the Committee heard evidence from a range of organizations concerned with female offenders, but undertook no specific investigations. It was particularly concerned with the treatment of native offenders, and in relation to federal offenders, it recommended the closure of the Prison for Women within five years. During that time a Task Force was to be established to develop alternative plans for community and institutional accommodation and programming.

The Geography of Isolation

In no sense can this summary of the events and recommendation in the recent history of the federal female offender be regarded as an explanatory one, nor does it do justice to the many less public reports which have been produced, or changes which have been made within the Prison for Women. A far more detailed analysis would be required to trace the cross-currents of views and interests, as well as economic and political considerations which have accompanied these developments. It does not provide any 'answers' as to why the sometimes sweeping recommendations were not acted upon although Berzins and Dunn (1982) provide a trenchant analysis in terms of the small numbers of women, coupled with policies based on economies of scale, and myths about the nature of women.

As each successive report makes clear, the same issues have been evident throughout the century:

- the neglect of women offenders in terms of adequate accommodation and programming because of their small numbers
- their geographical isolation resulting not only from the immense size of Canada, but because there has only been one federal institution
- the resulting difficulties imposed on women and their families and upon release planning
- the application of policies and programmes based upon male offender populations, particularly in terms of security
- the lack of classification
- the failure to provide satisfactory services for specific groups such as natives or French-speaking offenders

The same solutions have been put forward with almost monotonous regularity although in various combinations:

- the closure of the Prison for Women
- the redevelopment of the Prison for Women
- transfer of all federal female offenders to provincial authority
- maintenance of federal authority, but the dispersal of offenders to regional centres

Overall, the majority of recommendations have been in favour of closure of the prison, and the dispersal of women back to their home provinces or regions. The primary rationale has been the grave deprivations which women, and particularly mothers, face in being so far from their home communities. In many ways discussion has always been hampered by the existence of the building itself. It has taken on a symbolic presence, strongly attacked by some, strongly supported by others who see its long links with the community around Kingston as a major strength. The effect has been that when arguments concerned with broader changes in the treatment of female offenders, or even federal offenders, have been put forward, attention has tended to focus mostly on the issue of closure of the Prison for Women.

B: WHAT HAS CHANGED IN THE PAST TEN YEARS?

There have, nevertheless, been some significant changes since the last flurry of reports of the late 1970's. As discussion in the previous section of this report has indicated, there is now a much firmer emphasis on the issue of equality of programming for women, than existed in the past. And since 1981 this has also been supported by the Charter of Rights and Freedoms. Previous reports have tended to stress neglect, rather than inequality. In part this is because our view of the role of women has changed. We would no longer define the making of daffodils for the Cancer Society (Haslam, 1964) or souvenirs, as constructive work for women inmates. This has also resulted in much more explicit consideration of the disadvantages, compared to men, which women tend to bring into prison, and the need for affirmative programmes to compensate for those disadvantages. This may range from treatment for drug and alcohol abuse, or physical and sexual abuse, to life-skills and vocational training programmes which do not reinforce low-paid domestic roles.

Far more attention is now being paid to the implications of imprisonment for women and their children. In previous reports this issue received only lip service (although Berzins & Dunn, 1978 did include a discussion of the problems of separation in their report). Since that time, MacLeod (1986), Ross and Fabiano (1985) and Deschepper (1987) have all considered aspects of the problem including the impact of separation on both women and their families, the likely long term consequences, programmes for contact and care, parenting skills and institutional nurseries, as well as the social costs of incarcerating mothers. More recently, Karen Cannings (1990) has provided a comprehensive account of current programmes in North America.

This change in focus is well illustrated too by the prominence now given to the problems of native female offenders (eg. LEAF, 1989; LaPrairie, 1987; Solicitor General, 1988). It is of interest here that the Ouimet Committee in 1969 seems to have been the first to highlight the problem of the large numbers of native women incarcerated both federally and provincially, and to point to the need to provide appropriate programmes as well as to consider alternative procedures for dealing with vagrancy and alcoholism. In the period since the late 1970's it would seem that an increasing proportion of native offenders have entered the federal system (Solicitor General, 1988).

A second factor is that since 1976 there have been sentencing changes, such as the introduction of life sentences with a minimum 25 years before parole eligibility for first degree murder, and 10 years for second degree murder, which are likely to have altered the profile of federal offenders, and probably the security and programme needs of long term offenders. Such changes subsequently led to the establishment of the Ministry committee on long-term imprisonment. While some of the effects such sentences may have both for correctional staff and the inmates themselves have been discussed by Zubrycki (1984), it is difficult to know what this will mean for the relatively small number of women.

Thirdly, it is now 15 years since the establishment of the initial Exchange of Service Agreements, and some 40% of all federal offenders are now housed in provincial prisons their own province. While there is now more experience, there would appear to be very little published information apart from anecdotal material (e.g., Jackson, 1988; LEAF, 1989) about how they have worked in practice. It is also evident that the nature of particular Exchange of Service Agreements varies from one province to another, and that they have evolved over the years in the light of experience and changing concerns. The initial phase of agreements negotiated in 1973-75 was somewhat limited in scope and not supported by detailed analysis or their use monitored. Subsequent agreements have considerably expanded their scope. Thus the most recent agreement reached with British Columbia ('The Burnaby Agreement' January 1989) differs considerably in its definition of standards and payment structures from earlier agreements.

More detailed information about the kinds of federal offenders who opt, or are selected to serve their sentences in the provinces, as well as their access to programmes and services, their families, and the effects on release planning and parole arrangements are necessary for the purpose of making informed decisions about the federal population as a whole. It may be, for example, that there are certain differences in terms of sentence lengths between those in provincial prisons, and those in the Prison for Women (although this was not found to be the case in 1978 as will be discussed in Section V) which indicate an unwillingness on the part of the provinces to accept particular types of offenders. It may also be that the advantages of being located nearer to the home community, both for visits and for day parole, outweigh, in the view of the women themselves, a possibly more limited range of programmes.

Finally, while a co-corrections solution was not in fact adopted for federal offenders following the 1970's reports, some experience has been built up in the provincial sector, particularly in Alberta, which may provide some guidance on the impact of co-corrections for women.

The Need for Better Information

It is also clear from the long history of recommendations that the great majority of the earlier ones in particular were made on the basis of very limited information or assumptions. Much depends on the terms of reference of commissions and task forces, and in the case of the larger commissions of inquiry, consideration of female offenders usually took up a scant few paragraphs in a long and detailed report, along with discussion of the mentally ill.

It is usually only in the case of committees specifically set up to consider the federal female offender that any real information has been sought. Among these it is only the Chinnery Committee which did so in any depth. Yet to be persuasive, recommendations need to be backed up by good information and argument. In very few cases have the views of inmates themselves been sought, or solid information (rather than assumptions) about their need for programmes or their place of residence been provided. As Berzins and Cooper (1982) argue, such considerations have usually been based on stereotypes of women's needs or extrapolated from those of male inmates. And it was not until the Chinnery Report that issues of cost were seriously confronted.

It is sad that for all the discussions of alternatives, and experiences of other countries, no alternative to the maximum security setting of the Prison for Women has been developed apart from a brief period in the early 1970's when a small minimum security facility was established in Kingston for women nearing their release date. Open prisons, reformatories or camps have not been developed for federal women. Such experience would have been useful in testing out the feasibility of less secure settings.[5] It would be helpful too to know how provincial prisons have coped with federal offenders. Whether there have indeed been problems of mixing long and short term offenders, whether they have had difficulties providing appropriate programming, and how these difficulties have been resolved.

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[5]. The minimum security facility has now been re-opened and accommodates 11 women.

C: EXISTING KNOWLEDGE ABOUT WOMEN IN PRISON IN CANADA

"Did we really not know how many were mothers, or how old their children were, or how much money they earned....."[6]

In spite of the work commissioned for the female offenders programme of the Secretariat over a number of years, published material about imprisoned women in Canada is sparse, and much of it of fairly recent origin. No overall surveys of incarcerated women have been undertaken,[7] and a number of recent reports have pointed to the difficulties of not having any clear picture of who they are. Thus Adelberg and Currie (1987) in what amount to the most comprehensive and recent collection of papers on women in conflict with the law, stress the lack of good statistical data. "There are gaps in the discussion where better numbers are needed to document the past and present patterns of women's offenses and women offenders' lives", and they argue that a sound data base is essential for good policy-making and the development of appropriate programmes. Similarly, Macleod (1986) in her discussion of the implications of imprisonment on women and their children in Canada, was forced to guess the size of the problem on the basis of the few very limited studies conducted in other countries.

Federal inmates

Basic information on the numbers of women in the federal system, their location (e.g., at Prison for Women, in provincial prisons or elsewhere) their current offence, sentence length, age, marital status and province of origin etc., is now collated regularly by the Offender Information System of the Correctional Service. This information has formed the basis of the most detailed analyses so far undertaken on female federal offenders (e.g., by Holly Johnson, 1986, 1987). However, no information about home circumstances, family responsibilities, occupational background, or problems such as drug or alcohol abuse is available on a routine basis.

Thus apart from the brief studies of classification and offender needs conducted in association with the Needham and Chinnery committees for federal offenders (Berzins & Dunn, 1978) there appears to be little prior knowledge of the backgrounds of federal inmates. This is not to deny that there is extensive knowledge of the kinds of problems which inmates have, and the kinds of programmes which might be helpful on the part of those working or associated with federal offenders. The fact remains, nevertheless, that such overall information about all federal offenders should be routinely available, and that decisions should not have to be made on the basis of supposition, or knowledge of individual cases.

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[6]. Adelberg and Currie (1987) p.15.

[7]. Although previous attempts have been made to survey federal female offenders.

Biographical accounts of the experiences of individual women at the Prison for Women have been published and help to provide a much more explicit picture of the kinds of problems which have beset many federal offenders. Thus Bonnie Walford (1987) describes the lives of eleven women serving life sentences for murder; Adelberg and Currie (1987) provide detailed accounts of the childhoods and experiences of seven women charged with serious offenses and who have already served prison sentences. Elliott and Morris (1987) in the same volume provide a descriptive account of the experience of living in the Prison for Women, and a study of the issues and experiences of women sentenced to life imprisonment, and based on interviews with women at the Prison for Women and elsewhere is also currently being completed by Hattem (1990).[8]

In relation to programme needs, following the 1981 Human Rights Commission ruling, a Case-By-Case study of inmates at the Prison for Women was undertaken by the Correctional Service of Canada in 1982 (Solicitor General, 1982). This attempted to catalogue the kinds of programmes which inmates felt they needed or were interested in, and pointed out that because of the small numbers of women, and the relatively high turnover, changes in interests must be anticipated, and individual programme planning seemed most appropriate. A subsequent study of the educational and vocational needs of inmates at the prison was undertaken by Volpe and Kearney (1986) who examined the educational backgrounds of the inmates, their felt needs, and the views of staff on the educational potential of inmates. Submissions by the Canadian Association of Elizabeth Fry Societies (1981, 1988) have outlined the kinds of programme they feel are necessary for federal (and provincial) inmates.

Statistical analyses of the factors associated with parole selection and reconviction among male and female federal offenders have been completed by Harman and Hann (1986), and more recently, a detailed analysis of parole decision-making and behaviour on release among federal female offenders has been undertaken by Canfield (1989). As part of the Women in Conflict with the Law Initiative, a study of a small sample of 40 high risk and high need women, some of whom were federal offenders was completed by Kappel (1987). These were women identified as being unsuitable for parole or requiring considerable support in the community on release.

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[8]. It would appear that a number of other studies on aspects of female incarceration are currently being undertaken for university theses.

Information about federal offenders on Exchange of Service Agreements is even more sparse. Some details, for example, about federal offenders released from Pine Grove Prison have been compiled by the Elizabeth Fry Society in Saskatchewan (Gingell, 1988), while a report on federal and provincial offenders from the Atlantic provinces has recently been undertaken (Nycum & Associates, 1988) to identify population trends and current characteristics.

Provincial inmates

The only study which has collated information about women in provincial prisons as a whole is that undertaken for CAEFS by Misch Jefferson, Hayes and Graham in 1982. This survey of female populations in provincial and territorial prisons provided information on such issues as age, marital and employment status, sentence length and offence, security level and family contact.

Various studies of samples of women inmates within individual provinces have been completed, some for provincial departments of corrections. Lambert and Madden (1976) for example, undertook a follow-up study of women released from the Vanier Centre in Ontario; Berkenmeyer and Jolly (1981) describe some of the characteristics of native female inmates in Ontario; Robertson et al., (1987) provide a descriptive account of 100 women remanded in custody in Winnepeg; reports of offence profiles and an 'informal survey' at Pine Grove Prison are provided in evidence to the Daubney Committee (Gingell, 1988). Most recently, Valliere and Simon (1988) undertook a study of a sample of homeless women serving sentences at Maison Tanguay prison in Montreal.

The Current Federal Population

What is known about the current federal female population? On the whole, while the Offender Information System provides a considerable amount of aggregate data about their basic characteristics and sentences, it does not provide a sufficiently detailed picture to enable us to assess their risks or needs. Nor indeed does it give any indication of how they ended up in federal custody. Information on the number and type of previous convictions is not available on a routine basis, nor any commitments to provincial custody. We do know, however, that 83% of women have never been committed to federal prison before, compared with 61% of the men (OIS, March, 1989).

In December 1988 the 'on register' population[9] consisted of 272 women, 53 (19%) of whom were serving sentences for murder and attempted murder, 45 (16%) for manslaughter, and 60 (22%) for robbery or wounding and assault. A further 38 (14%) were charged with drug offenses. The table below shows length of sentence for the total population.

LENGTH OF SENTENCE OF CURRENT FEDERAL INMATES

Under 3 years	70	26%
3 - 5 years	92	34%
6 - 9 years	38	14%
10 - 20+ years	22	8%
Life	51	19%

Thus over half the population is serving a sentence of under six years.

In terms of their personal backgrounds we know that just under half of them (45%) are single and nearly a third (31%) married or cohabiting. But such information no longer provides any real indication of the strength of community ties or possible child-care commitments. They cover a wide range of ages, 40% under thirty, 36% in their thirties, and a quarter between the ages of 40 and 64 or more.

They have come from all over Canada. Their distribution in terms of their home province is shown in the table below (Source: OIS December, 1988). Of these women, 108 are located in provincial prisons under Exchange of Service Contracts (see Section III) although not always in their home province, and a further 67 Ontario women in their own province in the Prison for Women. A further small group of women at any given time will be registered at a male federal penitentiary awaiting transfer or out on day parole. Thus overall, just over two-thirds of the federal population (68%) are housed in the province from which they come. Nevertheless, given the size of Canadian provinces, this should not be seen to minimize the problems. Ontario women, located in Kingston, for example, may still be 1,000 miles from their home community.

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[9] The 'on register' population includes women out on day parole, temporary absence, in hospital or unlawfully at large. It differs from the actual 'daily count' (women actually in prison) by around 50 - 70.

PROVINCE OF RESIDENCE PRIOR TO CURRENT SENTENCE
AND NUMBER SERVING SENTENCE IN THAT PROVINCE

	Province of Residence		Located in Home Province
Atlantic provinces	12	4%	-
Quebec	72	26%	49
Ontario	68	25%	67
Manitoba	11	4%	4
Saskatchewan	12	4%	5
Alberta	33	12%	18
British Columbia	48	18%	22
NWT	1	-	1
Outside Canada	11	4%	-
Missing	5	2%	-
Total	273	100%	166 68%

However, routine information on place of residence within provinces is not available.

Further aspects of the current population are considered in Section III.

SUMMARY

This section has considered the background to the current debate on the future of federal offenders, in terms of the history of reports and recommendations, and the changes which have taken place since the last major series of reports. In particular, sentencing changes are likely to have altered the profile of the federal population of women, and this will have implications for the management of the population. There is now more experience of the use of Exchange of Service Agreements, but little information about how they have worked out in practice.

On the whole, previous reports have based their recommendations on scant information, but made a number of assumptions about the characteristics and needs of the population, either on the basis of male populations, or stereotyped views about what is appropriate for women.

The section has also touched very briefly on existing sources of information about the federal population. This underlines the need to collate much more information about the backgrounds, offending histories and current situation of the population if future recommendations are to be soundly based.

SECTION III

THE USE OF IMPRISONMENT FOR WOMEN: COMPARISONS WITH OTHER COUNTRIES AND TRENDS IN CANADA

It is important here to consider how Canada compares with other countries in its use of imprisonment for women, for a number of reasons:

a) it would be helpful to know whether we use imprisonment less or more than other countries, and for what kinds of offenders;

b) we need to know what changes have occurred elsewhere both in the numbers of women being imprisoned, in the use of imprisonment for women; and

c) given that there are differences in criminal justice systems, how far should we take account of trends elsewhere in trying to assess likely trends in population and programme requirements in Canada?

In view of our closeness to America and the tendency, at least among the general public to see Canada's crime rates as similar to those in the U.S. (e.g., Doob & Roberts, 1982) it is particularly important to place Canadian figures in context.

Three types of questions can be asked: is the use of imprisonment for women increasing? Does this reflect a general increase in the involvement of women in criminal justice systems, or an increasing use of imprisonment rather than other sanctions? Are there changes in the kinds of offenses for which women are imprisoned - are they committing more serious offenses?

It is never easy to find good comparative data, and the bases on which comparisons can be made are subject to considerable variations in terms of recording practices, offence definitions and the characteristics of different systems of criminal justice (see e.g., Collier & Tarling, 1987; Waller & Chan, 1974). These problems are particularly true for comparisons of prison statistics, since the size of a prison population is considerably affected by the availability of alternatives to imprisonment, judicial attitudes, and the general level of crime in a society, as well as factors such as remand practices and sentence lengths. Ideally, comparisons should be made on the basis of rates per head of population.

Making comparisons between female prison populations presents further problems since data is often not differentiated by sex. Secondly, because the actual number of women is usually small, there is a danger of placing too much emphasis on large percentage changes, and factors such as different age breakdowns may make a big difference to final numbers (e.g., Canada and the United States classify adults as those over 18; in England and Wales it is those over 21 years). Thus it is not easy to reach firm conclusions. Nevertheless, some attempt must be made.

A: TRENDS IN OTHER COUNTRIES

General trends

A useful summary of recent trends in the involvement of women in criminal justice as a whole is found in Axon's survey of international developments outside North America (Axon, 1989). She notes the increase in female involvement in crime over the past 3 to 4 decades in most countries in the Western world in terms of arrest statistics, convictions and use of imprisonment. Over the same period there has similarly been an increase in the involvement of men. Overall, however, there has been a decline in the ratio of male to female crime, indicating that proportionately women now constitute a larger group within criminal justice systems. Nevertheless, the contribution of women still remains very low with between 5 to 7 men being convicted for every woman, and in general it would appear that women have become increasingly involved in petty property crimes but that their relative participation in violent crimes has remained stable (Axon, 1989, p.13).

The use of imprisonment

In terms of imprisonment, there would appear to be "a clear trend" towards its increased use for women (Axon, 1989, p.54). Evidence of its increasing overall use was found in a United Nations survey in 1985, with 40% of countries surveyed reporting increases over the period 1970 to 1982 (Axon, 1989, p.54). Again, however, there are variations, with some Council of Europe countries showing greater increases in imprisonment for men (France, England and Wales, and Finland) and some a greater increase among women (Denmark, Spain and Scotland - Axon, 1989, p.54).

Based on official figures from a number of countries, Axon suggests that the percentage of women in total prison populations currently ranges from 2.3 - 5.6% (excluding Canada and the United States) (see Axon Table 3), although it is not known whether these relate to admission or population figures. It is likely that if complete data had been available some wide variations between countries in the relative (compared with men) and absolute (as a proportion of the population of women) use of prison for women would be evident. More complete information on the existence and use of alternatives to imprisonment would also be helpful in assessing differences between countries in their treatment of women. It is worth stressing, nevertheless, that given the relatively small numbers of women involved in some countries, percentage increases can be misleading.

Axon also notes that there are wide variations between countries in the types of women incarcerated, many populations contain high proportions of remand prisoners, others make considerable use of imprisonment for non-payment of fines. Property offenders constitute the largest proportion of women in prison, and serve relatively short sentences, with drug offenders and those convicted of murder receiving the longest. Most countries report that incarcerated women do not constitute a serious group of offenders, that they tend not to be very persistent, that the great majority serve custodial sentences of under a year, and mostly less than six months. As Axon concludes "The question that is repeatedly raised is why these women are imprisoned in the first place especially, it would seem, at a disproportionate rate relative to comparable male offenders." (Axon, 1989, p.111).

One country which has witnessed a reversal in the trend of increasing incarceration in the past few years is West Germany. While information on women specifically is not yet available, it would appear that there has been as much as a 40% reduction in the prison population since 1983. Such a marked change is unusual, and has been attributed to a reduction in the use of remands in custody as well as an increase in alternatives to imprisonment (Graham, 1987, 1990).

In order to provide a more detailed framework for comparison, developments in the use of imprisonment for women in the United States, Britain and Australia are discussed here. These three countries have been chosen not only because of the availability of published material, but because each has certain characteristics of relevance to Canada. In the case of England and Wales, there are considerable historical and cultural ties which have influenced the development of penal systems, as well as basic similarities in criminal justice systems. Australia has similar ties to Britain, but its experience is also of relevance to Canada in view of its population size and geographical characteristics, and the over-representation of aboriginal peoples in its penal system.

England and Wales

In England and Wales women's chances of being imprisoned have risen by over 50% in the past ten years (NACRO, 1989a). In 1987 a total of 2,383 adult women (over 21) were sentenced to prison, while the average population was 1,160 compared with 768 in 1977 (Home Office, 1987). Seear and Player (1986) have argued that imprisonment is increasing at a faster rate than the crime rate. Nevertheless, women still represent less than 4% of the total population of inmates.

While the largest group of offenders is still charged with minor property offenses (theft, handling, fraud and forgery (34%), there has been a marked increase in convictions for drug offenses. These have increased five-fold, from 63 of those admitted to prison in 1977 to 408 in 1987, and they constitute 40% of those serving over 18 months compared with 13% of male inmates.

There have also been noticeable increases, particularly since 1984, in the average length of sentence being served, reflecting the trend to longer sentences being passed by the courts. Similarly, increasing use of secure facilities rather than the open, minimum security facilities has been noted (Casale, 1989). The distinction between reception or admission figures and population figures is important here, for while 49% of women received into prison in 1987 had sentences of less than six months, they represented only 15% of the population under sentence. The proportion serving sentences of three years, and over including life, has risen from 13% in 1977 to 27% - 316 women - by 1987. Thus in spite of a recent drop in the numbers of women received into prison since 1986, the increase in sentence lengths means that the general trend is a continuing rise in the population (MacNaughton, 1988).

As with the provincial population in Canada, a high proportion of women are admitted to prison each year for fine default (some 29% of all sentenced receptions) and an additional 3600 women are remanded in custody awaiting trial or sentence.

In addition, since data on ethnic background are now collated, it is evident that there is a disproportionate and increasing number of women from ethnic backgrounds in prison, they represented 23% of the female prison population in 1987, compared with 14% of male prisoners, and an overall rate of 5% within the general population of England and Wales (NACRO, 1989b).

The United States

The outstanding difference between the United States and other countries is in terms of the overall size of the incarcerated population, with rates of imprisonment per head of population which far outstrip those and anywhere else. Collier and Tarling (1987) for example, report a figure of 300 per 100,000 for men and women in the United States, compared with 109 for Canada, 93 for England and Wales, and 70 for Australia). By 1986, the rate was 423 men per 100,000 of the population, and 20 women (Bureau of Justice Statistics, 1986).

With its tripartite system of jails, state and federal prisons, the proportion of adult women incarcerated varies from 7% in jails, 4% in state prisons, to 6% in federal prisons. As in other countries there has been an increase in the actual numbers of women imprisoned, but again the scale of the increase would appear to be much greater. Ryan (1984) in a national survey of state and federal prison populations reported a dramatic rise of 182% in the overall numbers of women incarcerated between 1975 and 1984 to 20,818, and since that time the increase has continued, if not accelerated. The total population of women in state and federal prisons reached 29,125 in 1987 (Bureau of Justice Statistics, 1988). While there have also been massive increases in the numbers of men sentenced to prison over the same period, the proportion of women has steadily increased from 3 - 4% of the total state and federal population in the mid 1970's, to 5% by 1987. Differences between states are, however, quite marked, with women accounting for as much as 6% of the total prison population in North Carolina and Oklahoma for example (DeConstanzo & Scholes, 1988). Sixteen states have over 500 women inmates, and seven of them over 1000.

Such massive increases would appear to be unique to the United States, but other factors mark out the differences from Canada and other countries. Women (and men) would appear to receive much longer sentences than in other countries, with 93% of women in state prisons receiving sentences of over a year (DeConstanzo & Scholes, 1988), and 82% of those in federal prisons (compared for example with 65% in England and Wales). Ryan (1984) found that sentence lengths appeared to have increased since 1975. It must be noted that almost all of the American literature on imprisonment is concerned with prisons and penitentiaries and excludes jails (although see Chesney-Lind & Sheldon, 1989). Such calculations, therefore, ignore women in the jail population, most of whom are either on remand, or serving sentences of one year or less for minor offenses (misdemeanours). However, jail populations on the whole are very small, and the overall number of sentenced women was about one fifth the size of the population in state prisons in 1984 (Ryan, 1984). The most recent survey (American Correctional Association, 1988a) which does include jails, reports that 72% of women in all types of institutions were serving sentences of over two years.

Again, in terms of racial origin, American prisons have a distinct pattern not found elsewhere. The recent survey of women in state and federal prisons found that 42% were black, 10% of hispanic origin and 43% white, with 2% American Indian (American Correctional Association, 1988a). The proportion of black women in the incarcerated population would also appear to be higher than that of black men (Bureau of Justice Statistics, 1984).

One explanation for the overall rise in imprisonment in the United States is that it reflects the age profile, with the large cohort of teenagers and young adults passing through the criminal justice system during the 1970's and 1980's (Blumstein, 1983). It is also seen as the result of an increasing punitiveness in sentencing and release practices over the past ten years (Harris, 1987). Ryan (1984) in her analysis of the increasing imprisonment of women similarly argues that it reflects the replacement of the philosophy of rehabilitation with that of deterrence and incapacitation.

While the responses to the enormous problems of overcrowding will be discussed in a subsequent section, one factor is worth noting. It relates to the extensive use of litigation in the Unites States to reduce overcrowding and bring about changes in conditions of imprisonment and programmes. One consequence would appear to be that in states where there has been such court intervention, the rate of growth in the numbers of inmates in state facilities has been significantly reduced (Bureau of Justice Statistics, 1984).

Another factor which has in part been in keeping with trends elsewhere is in terms of the offending patterns of women in prison. Ryan (1984) found an increase in the proportion of property offenders, but no evidence of an increase in offenders sentenced for violence between an earlier survey of jail and state populations (Glick & Neto, 1977) and her own. On the other hand, it must be said that a higher proportion of women prisoners in America appear to be convicted of violence offenses than elsewhere. The 1977 survey by Glick and Neto reported that 43% of female felons in state prisons has been convicted for violence offenses, 29% for property offenses, and 22% for drug offenses. Of the small group convicted of misdemeanours and serving under one year, however, 41% were property offenders. The American Correctional Association survey (1988a) reports 26% of women were convicted for violence offenses, 30% for property offenses, and 21% for drug offenses. Discussing the continuing increase in women's imprisonment, DeConstanzo and Scholes (1988) suggest that while there may be changing patterns of offenders in different states, the majority of correctional administrators have noted "the incredible rise in the number of substance abusers in their populations" and in offenders convicted for drug offenses.

Australia

In Australia, the states are required to provide prison places for the small number of offenders, male or female, who break federal laws (about 340 in 1986). No federal prisons exist, and there do not appear to be uniform standards for treatment between states. Overall, there has been an increase in the proportion of women in the prison population from 2.6% to 4% in the ten year period to 1985 (Chappell & Wilson, 1986), with an average population in 1985 of 520 women (to 10,721 men). All states report a rise, in some cases a doubling of the population (Axon, 1989, p.54). Thus New South Wales, the most populated state, experienced an increase in its female prison population from 102 in 1976 to 201 by 1985. Similarly, Victoria's population rose from 36 to 90 in the same period.

Such increases have led to considerable problems of overcrowding, and together with concern for the neglect of female prisoners, resulted in a number of investigations and task force recommendations. Of particular relevance to Canada, is the high incidence of aboriginal women in prison. For men and women they constitute 14.5% of the total prison population, but 1.4% of the Australian population. In the Northern Territory they comprise 63% of the prison population (Chappell, 1988).

B: COMPARISONS WITH CANADA

Having briefly considered recent developments in these three countries, how does Canada's use of imprisonment compare? A major difficulty for Canada is the existence of two separate prison systems and the lack of aggregate data or readily available statistics at the provincial level. Axon (1989) suggests that women rarely account for more than 5% of the total prison population in the countries for which she had data. Yet Canada would appear to have very different rates at the federal and provincial levels.

Comparisons between admission rates

In terms of admission figures, women have over the past five years represented 2% of all federal and 7% of all provincial sentenced admissions (Statistics Canada, 1989). However, given that there are so few women admitted into the federal system, the overall proportion of women admitted to prison in Canada as a whole is probably in the region of 7%. Admission figures always involve an element of double counting (where some women may have been admitted more than once in a given year) and this is probably a higher source of error in the Canadian data since sentences tend to be shorter.[10] Nevertheless Table III/1 below attempts to compare sentenced admission figures for adult women in England and Wales with Canada. This suggests that women represent a higher proportion of total admissions in Canada (7.3%) than in England and Wales (3.4%).

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[10] It would appear that in Saskatchewan, for example, women imprisoned in default of payment of a fine may be registered as admitted, but in reality be immediately diverted to a fine enforcement programme. Fine option programmes exist in a number of provinces.

Table III/1
SENTENCED ADMISSIONS OF ADULT WOMEN

	No.	% Total Prison Admissions	Per 100,000 Population
England and Wales 1987	2,383	3.4%	9.25
Canada: Provinces 1887-88	8,812	7.5%	67.80
Federal 1987-88	80*	2.0%	0.62
Canada: Total	8,892	7.3%	68.50

(Sources: Prison Statistics England and Wales, Home Office 1987; Adult Correctional Services in Canada, Statistics Canada 1989, and unpublished data).
*estimate

Again when comparisons are made per head of the general population it would appear overall that prison is used for a far greater proportion of women in Canada than England and Wales, which has a population approximately twice the size. This is shown above in Table III/1, with 9 women admitted to prison per 100,000 for England and Wales compared with 68 for Canada.[11] Even when adjustments are made for age, since Canadian figures include those over 18 rather than 21, the percentage of women over 21 of total prison admissions in Canada is 7.2% and the rate per 100,000 is 56.

Part of the explanation for such differences may lie in the existence of a wide range of alternatives to imprisonment in England and Wales, and the widespread use of cautioning rather than sentencing for women. A much more extensive study would be required to assess the impact of such differences. There are, however, clear differences in the use of imprisonment in terms of sentence lengths. The great majority of women in Canada serve very short sentences, in comparison with both England and Wales and the United States. Of those admitted to provincial prisons in 1984-5, some 40% were serving under 14 days, and 66% under one month (Johnson, 1986).

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[11] These rates are calculated on the basis of the total female population of Canada and England and Wales for 1987. There are approximately 13 million females in Canada, and 26 million in England and Wales.

Comparisons between prison populations

Even when population rather than admission figures are compared, Canada still has predominantly short sentences. Some attempt is made to compare selected sentence lengths in Table III/2 below. This suggests that some 67% of adult sentenced women in Canada are serving sentences of under 6 months, and 25% (the federal population) two years or more.

Table III/2
POPULATION OF ADULT WOMEN UNDER SENTENCE BY SELECTED LENGTHS OF SENTENCE

	Up to 6 months	2 years and over	Over 20 years	Total Population
England & Wales 1987	195 17%	608¯ 52%	66 6% (life)	1,160
Canada 1987-88	756 67%*	282 25%	55 5%	1,127*
United States 1987**	- -	- 72%	- 9% (25+yrs)	24,782#

(Sources: Prison Statistics for England and Wales, Home Office 1987, ¯includes 110 women serving 18 months to two years; *based on estimated population figure for provincial prisons, Adult Correctional Services in Canada, Statistics Canada, 1989 and Offender Information System, Correctional Services Canada, June 1988; **American Correctional Association (1988a) sample survey of federal, state and jail populations; # state and federal population only, Source Book of Criminal Justice Statistics, 1987).

By comparison, it would appear that correctional systems both in the United States and in England and Wales are geared to a population that spends longer time in prison. On the basis of a recent survey 72% of state, federal and jail prisoners in the United States are serving sentences of over two years. In England and Wales 52% are serving 18 months or more (or 43% (498) over two years).

Overall, the sentenced population of adult women in England and Wales amounts to a rate of 4.5 per 100,000 of the total population of females (or 5.2 for those over 18 years); for Canada the rate is 8.7 per 100,000, and for the United States 20 for the state and federal population alone (see Table III/3 below).[12]

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[12]. The U.S. figure is an underestimate since it excludes the sentenced jail population.

Table III/3
POPULATION OF ADULT WOMEN UNDER SENTENCE : RATE PER 100,000

	Total Prison Population	Rate per 100,000
England and Wales 1987 (21yrs+)	1,160	4.5
England and Wales 1987 (18yrs+)	1,343	5.2
Canada 1987-88 (18 yrs+)	1,127	8.7
United States 1986 (18 yrs+)	24,782	20.0

(Sources: Home Office Department of Statistics; Adult Correctional Services in Canada, Statistics Canada 1989 and Offender Information System Correctional Services Canada; U.S. Source Book of Criminal Justice Statistics 1987).

On the other hand, it is probable that the number of women serving sentences of two years and over in Canada is similar as a proportion of the total population of women, to that in England and Wales.[13]

These tables suggest, therefore, that the overall use of imprisonment of female offenders in Canada is unlike that in the United States and England and Wales, with much shorter sentences being passed. While the proportion of the population sentenced to prison in Canada is clearly well below that in the United States, it is considerably higher then in England and Wales. It may well be that prison is used in the absence of sentencing alternatives within the community. But given that prior prison experience is a major predictor of subsequent imprisonment, it is also likely that the use of even short sentences of imprisonment increases the flow of women into the federal system.

It would also appear that there is greater use of remands in custody in Canada than England and Wales[14] which may influence the flow of sentenced cases into custody. This is true for women but also for the total prison population.[15]

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[13]. Thus the 608 adult women serving sentences of 18 months and over in England and Wales represent a rate of 2.4 per 100,000 of the total population of women; in Canada the 282 women serving federal sentences of two years represent a rate of 2.2 per 100,000.

[14]. In absolute numbers some 5,000 women are remanded in custody in Canada in a year, compared with around 3,600 in England and Wales, which has an overall population twice the size of Canada.

C: TRENDS IN CANADA

Can we expect an increase in female crime and in the incarcerated population in Canada? It was noted in the previous section that the recent major reports on women offenders in the federal system were all concerned with the possibilities of an increasing female offender population. At the time of the Clark report, such a concern was understandable, coming as it did at a time when the rising numbers of women in offender populations had become evident, and in the midst of an excited academic debate, primarily in the United States, about the effects of the women's movement upon the likely size and nature of female crime. (See Gavigan, 1987 and Axon, 1989 for a discussion of the issues).

The changes which took place in Canada since the mid 1960's in the involvement of women in the criminal justice system as a whole have been well documented and discussed by Adelberg (1985) and Johnson (1986) (see also Adams, 1978). There are, nevertheless, severe limitations to detailed analysis given the lack of comprehensive data on court sentencing patterns for Canada as a whole, and for provincial prison populations. It seems clear that there was no evidence of increasing violence compared with men, and that the majority of the increase has been, as elsewhere, within the traditional patterns of female offending -"predominantly small-scale, petty property and victimless offenses" (Fisher, 1986). In the case of violent offenses, Rosenblatt and Greenberg (1974) argued as does Johnson (1986) that the pattern of women's offending differs from that of men, and that most victims tend to be members of their family, which it is suggested is often a response to an abusive family situation.

In relation to imprisonment, population projections undertaken for the Needham and Chinnery committees suggested no dramatic changes or corresponding increase in the federal population, only a steady growth rate of between 3-5% a year. Thus the Needham Report suggested that "notwithstanding some increase in female criminality, the average growth rate ....will likely remain less than 4% per annum for the next several years." (Needham, 1978, p.17). The Chinnery Committee reported a suggested annual growth rate of between 3.33% and 5 % for the period 1978-85, giving an expected population of 250-285 by 1985. Those predictions appeared to have been fairly accurate, with an actual federal female population of 235 in 1985 (see Table 4.2, Johnson, 1986).

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[15] Chart F in The Criminal Law in Canadian Society (1982) shows the overall rate of pre-trial detention to be higher in Canada than in England and Wales and Australia, although lower than the United States and France.

Trends in the federal population between 1975 and 1984 are discussed in Johnson (1986). She demonstrates that over that period there was a dramatic increase in the number of men incarcerated (37% over the ten years) while women showed a much smaller increase (11%). While the federal female population did increase, it has remained at around 2% of the total population throughout that period.

Current population figures for women in the federal system similarly give no indication of an accelerating rate of incarceration although a more thorough assessment needs to be undertaken for the purposes of projecting population trends. It would also appear that there has been some small decline in the average population of men in the federal system since 1985 (from 11,214 in 1985-6, to 10,557 in 1987-88; see Statistics Canada, 1989). This may reflect changing sentencing patterns, or a proportionate decline in the population at risk of imprisonment, and its implications for female offenders is difficult to assess. Table III/4 below updates the figures for men and women in the federal system given in Johnson (Table 4.2), to the present.

Table III/4
POPULATION ON REGISTER UNDER FEDERAL SENTENCE 1975-88

YEAR	TOTAL	MALE	FEMALE	%FEMALE
1975	8,659	8,486	173	2.0
1976	9,284	9,084	200	2.2
1977	9,573	9,374	199	2.1
1978	9,708	9,509	199	2.0
1979	9,473	9,242	231	2.4
1980	9,727	9,514	213	2.2
1981	9,798	9,604	194	2.0
1982	10,630	10,423	207	1.9
1983	11,505	11,283	222	1.9
1984	11,941	11,703	238	2.0
1985	12,369	12,134	235	1.9
1986	12,831	12,524#	307#	2.4
1987	12,476#	12,192#	284	2.3
1988	12,886	12,604	282	2.2

(Source: Johnson (1986) and Correctional Services Canada, Offender Information Systems. These are 'on register' figures for June 30th each year, apart from 1986 and 1987 which combine September (#) and June figures.).

Two points can be made at this juncture in the absence of a more thorough assessment of future trends. It is evident that within th federal system there has been an increase of around 50% in th actual numbers of women in prison in the past ten years, but as in the case of Australia, with such small base numbers percentages can be misleading. It amounts to roughly an additional 100 women, compared with an increase of some 3000 men. Secondly, while there have indeed been periods of sudden changes in the population of the Prison for Women over these years, which have caused considerable problems, by and large, the use of Exchange of Service Agreements (ESA's) has helped to cushion the impact of the rising population on the Prison for Women. This is not to dismiss the effects of sudden increases in numbers on the regime of an institution. In relation to Prison for Women, for example, a sudden influx of 30 women in 1982 was reported to have had serious repercussions (Jefferson, 1983).

The Use of Exchange of Service Agreements

The relative stability of the population at the Prison for Women itself, and the increasing number of federal women housed in the provincial system is evident from Figure 1 below. The use of ESA's has gradually expanded since their inception in 1973-4, when Berzins and Dunn (1978) reported an increase from some 46 women in 1974 to 63 (33% of all federal women) in 1975-8. By December 1988 this figure had increased to 108 (40% of all federal women). Figure 1[16] plots the growth in numbers of women at the Prison for Women, and housed in provincial institutions under ESA's over the same period. There would appear to be a slight flattening out in the use of ESA's over the past two years, which may reflect the accumulation of long sentence prisoners within the federal system.

Changes in the population under sentence

American experience of the increasing incarceration of women does not appear to have any parallels in Canada, at least among the federal population. Thus Johnson (1986) shows that the rate of incarceration of women per 100,000 of the population remained steady between 1975 and 1985 (Table 4.3) at between 0.9 and 1.2 (although for men the rate increased dramatically from 37.4 to 47 per 100,000 of the population). It is possible that there has been a slight increase in the rate at which women have received federal sentences more recently. As was suggested above, the rate for 1988 was 2.2 per 100,000 women, but it is not entirely clear on what basis the figures given in Johnson were calculated.

How far is this overall growth in the number of federal women in prison the result of increasing numbers of women committing more

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[16]. This graph may not be strictly accurate since it uses figures from a number of different sources prior to 1981 which have not usually indicated the basis of figures used (eg. on register figures, excluding those in other federal institutions or out on day parole, warrant of committal figures only etc.).

FIGURE I

GRAPH SHOWING POPULATION UNDER FEDERAL SENTENCE 1975-89
IN PRISON FOR WOMEN AND IN PROVINCIAL INSTITUTIONS

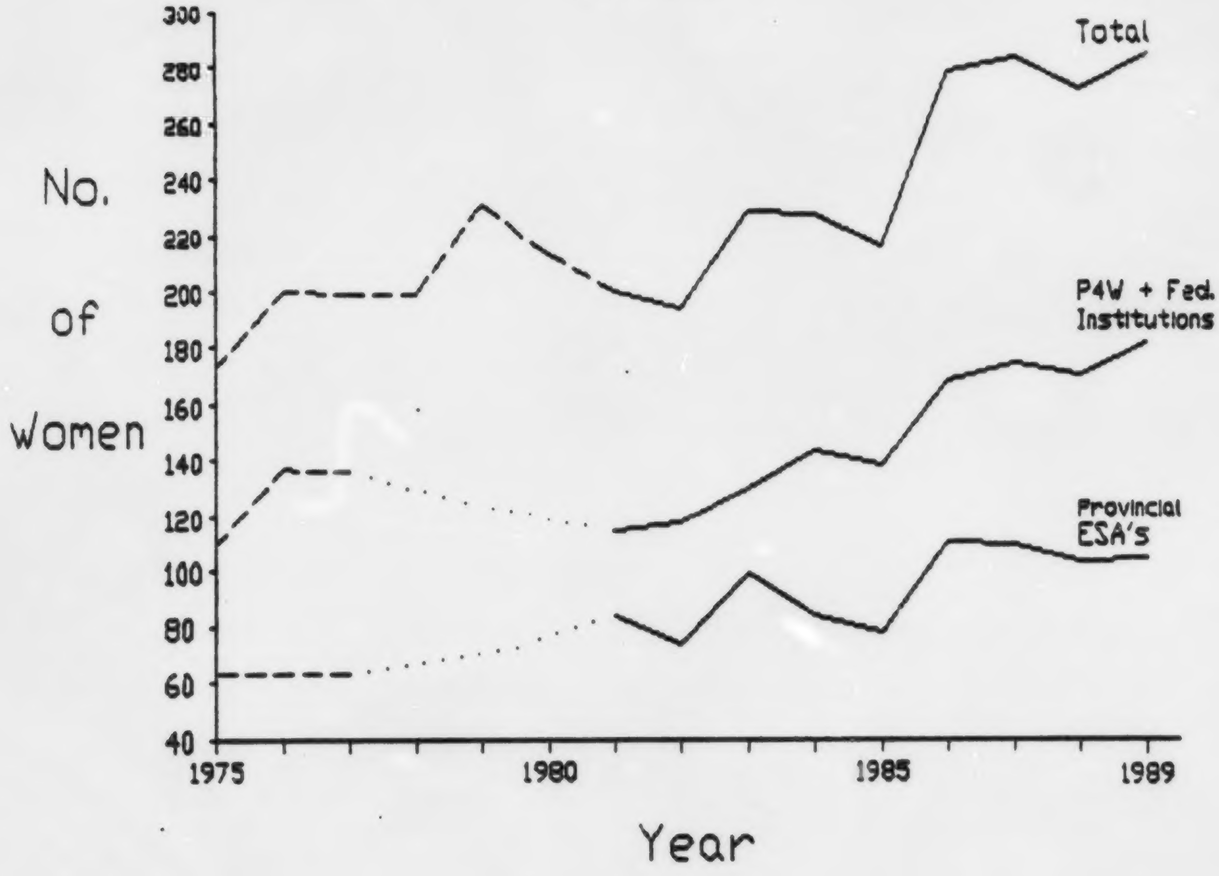

FIGURE I

**GRAPH SHOWING POPULATION UNDER FEDERAL SENTENCE I975-I989
IN THE PRISON FOR WOMEN AND IN PROVINCIAL INSTITUTIONS**

(Source: Offender Information System March 3Ist each year from I98I onwards).

serious crimes, or an increase in the severity of sentences being passed by the judiciary? Certainly there has been an increase in the severity of sentencing with the introduction of 25 year sentences for first degree murder following the enactment of Bill C-84 in 1976 (Zubrycki, 1984). Thus length of sentence has changed over the past ten years, and since the three reports of 1977-8. Thirty four percent were serving sentences of over 5 years in 1985 compared with 31% in 1975 (Johnson, 1986), but by December 1988 this figure had risen to 47% (OIS figure), with 20% (55 women) serving over 20 years. Such a change obviously has an impact on the day-to-day administration of sentences, and on overall programming considerations.

In terms of the offenses for which women are convicted, it was pointed out in evidence to the Chinnery Committee (1978) that there had been little change over the years, and that federal sentences had, at least since the 1950's, primarily been used for offenses related to murder and drugs (Berzins & Dunn, 1978). There would appear to have been some changes in the distribution of types of offenses since that time. Table III/5 below gives the distribution of offenses between 1976 and 1988.

Table III/5
COMPARISON OF POPULATION OF FEDERAL INMATES BY OFFENCE
BETWEEN 1976 AND 1988

	1976	1980	1984	1988
Violence against the person	34%	42%	57%	58%
Property offenses	20%	12%	14%	13%
Drug offenses	40%	31%	15%	14%
Other	6%	15%	15%	15%
TOTAL	100%	100%	100%	100%
Number of offenders	174	206	226	273

(Sources: Berzins and Dunn (1978); Johnson (1986 Table 4.6) and OIS December 1988).

While the numbers involved are small, it would seem that there has been a decline in the proportion of women with drug offenses, and an increase in the population of women convicted for violence (murder, manslaughter, wounding, assault, robbery) over the 12 year period. As always it is extremely difficult to interpret such differences. It is likely that in part it reflects a greater willingness on the part of criminal justice personnel to convict women as much as it does an increasing propensity on the part of women to commit violent offenses. (A detailed analysis of committal statistics would be needed to begin to assess this issue). The most likely explanation, however, is that the increase in sentence length has resulted in an accumulation of women serving very long sentences - most of whom will have committed offenses of violence. It also seems likely that while there has been a proportionate decline in drug convictions, this does not reflect a diminution in the involvement of women in drug use and that a number of other offenses are in fact drug related. Certainly anecdotal information in Canada, surveys of drug use among women offenders in the United States and the increase in imprisonment for female drug offenders in England and Wales and Australia suggest this is an area of major concern still.

What is clearly needed is a much more detailed examination of the offenses involved in order to begin to assess their seriousness, and the security and programme implications for the current population.

Native Offenders

Other changes in the population of federal female offenders in recent years relate to the proportion of native offenders. They have always been over-represented in the federal population compared to non-native Canadians, and more so among women than men (Johnson, 1986). Within the provincial population Misch et al. (1982) found that 25% of the female prisoners surveyed were native offenders, compared with 2% within the overall population of Canada. In the past ten years it would appear that for men and women their rate of growth in the federal population has also been higher than that of non-natives (Task Force on Aboriginal Peoples in Federal Corrections, Solicitor General, 1988). They currently comprise 14% of the federal female population and 10% of federal men, but their numbers have fluctuated. In 1983, for example, they represented 19% of the female population. Not all of them are native Indians, however, at the end of 1988, 13 were Metis, 3 Inuit and the remaining 25 Indians (OIS, 1988).

Since 1982-3 it would appear that an increasing proportion of native women have been able to serve their sentence in provincial prisons under Exchange of Service Agreements (they made up 11% of the population at the Prison for Women in December 1988, compared with some 18-19% in 1982-4).

Conclusions

Comparisons of rates of imprisonment between Canada and the United States are on the whole not helpful, given the much greater population size of the US and its incarceration rate which far outstrips that of any other country.

Overall, Canada appears to make far greater use of imprisonment for women at the provincial level than countries such as England and Wales. This suggests that there is a lack of alternative sentences available, or an unwillingness to use them. It would also appear that far greater use is made of remands in custody in Canada than England and Wales. Both of these factors will tend to increase the flow of women into the prison system.

At the federal level, it would appear that Canada has not experienced the dramatic and alarming increases in incarcerated populations of women characteristic of the United States, nor the sharp increase in drug offenders as in England and Wales and the U.S.. There has, however, been a common increase in the length of sentences.In general, while there has been an overall increase in the numbers of women federally sentenced, it has been proportionate to the population of women as a whole. The main difference between the situation confronting earlier committees in the 1970's and the present would appear to be the increasing accumulation of women serving very long sentences, and who will of necessity, tend to be serving sentences associated with violence. The effect of this increase in the severity of sentencing has been to alter the profile of federal women such that a higher proportion remain inside serving sentences for violence. In other words, it seems probable that a change in sentencing patterns has altered the profile, rather than an increase in violence among women.

What is of particular importance in assessing such changes, is to see them within the context of changes in the system for dealing with offenders. That a higher proportion of the population of federally sentenced women have an offence which can be classified as 'violent' should not be seen as a signal that more secure provision is necessarily required than in the past. It is probable that the offenses committed by these women are very similar in their pattern to those committed by women ten or fifteen years ago, although their requirements for coping with much longer sentences will be different. It is a change in attitude, reflected in increasing severity of sentences, which has helped to create the current situation. It is also important to assess what kinds of behaviour are involved in "violence" among federal women, compared with men, as will be discussed in Section V.

One further difference from the situation ten years ago, and one which will be discussed in more detail in the following section, is an awareness of the need to think in terms of changes in the criminal justice system as a whole, rather than to accept the flow of offenders as a 'given'.

SECTION IV

COMPARISONS WITH OTHER COUNTRIES: PROBLEMS AND RESPONSES

Having considered some of the trends in the numbers of women being incarcerated both in Canada and in other countries, this section of the report is concerned with:

a) providing an up to date account of developments in other countries

b) highlighting the issues which seem of particular relevance to current discussions on federal offenders

c) identifying policies and practice of particular interest for women's imprisonment in Canada.

It was not intended that this should be an exhaustive review of developments elsewhere. There are in any case severe limitations imposed by language and the availability of published material from other countries. More importantly, much of this work has recently been covered by the very comprehensive and detailed international survey of women and criminal justice completed by Axon (1989). She also provides a brief outline of women's prisons and related policies in 15 countries (Appendix C, 1987), as well as a list of recent legislative changes and directives (Appendix D, 1987).

Here as with Section III, the intention is to focus primarily on developments in England and Wales and Australia, relating the findings more closely to Canada. In addition it considers the United States, which Axon's survey excluded.

The material available on women's imprisonment covers a wide spectrum, from administrative accounts of programmes and policies, descriptive and statistical studies of populations, and clinical or academic reports of theory testing or special issues, to critical studies and discussions of policy and practice. The latter, as was suggested earlier, have become a major and increasingly important area of the literature on women's imprisonment in the past few years.

A: ENGLAND AND WALES

"There is an extraordinary lack of demographic information about this population" (Seear & Player, 1986).

The increasing use of imprisonment for women, discussed in the previous section has resulted in the expansion of the number of women's prisons in England and Wales. In most cases this has been accomplished by the conversion of existing prison facilities, not the construction of new prisons. Currently there are twelve women's prisons in different regions of the country, and further centres are still planned. Six of them are closed prisons, three are open prisons, and there are three remand centres attached to male remand centres. Five of the prisons also include young offender institutions, for those aged 15 to 20.

Many of the problems are depressingly similar to those found in Canada. A major issue is the high number of women on remand and the comparatively greater use of remand in custody for women than men, although fewer women than men end up with a custodial sentence. This has been the subject of a recent study by Sylvia Casale (1988, 1989) who shows that the increasing remand population has resulted from the doubling of the time spent awaiting trial over the past ten years. She also highlights the greater dislocation which women suffer compared with men, since a system of local prisons does not exist for them, as well as the due process implications of imprisoning women who have not yet been found guilty.

Other problems include the continued use of fine default for non-payment of fines, and the non-serious offence histories, in comparison with male inmates, of many of the women in prison. Some 40% of those received into prison for whom information is available, for example, have two or fewer previous convictions (MacNaughton, 1988).

The comparative neglect of women in terms of facilities and programmes, the petty nature of many of their offence histories, and the legacy of stereotyped views on the nature of women offenders has been the subject of a rash of critical reviews and studies in recent years - Carlen (1983, 1985, 1988), Heidensohn (1985), Mandaraka-Sheppard (1986), Seear and Player (1986), Genders and Player, 1986), Morris (1987), Morris and Wilkinson (1988), Casale (1989), Catan (1989) -as well as a continuing series of briefings from pressure groups such as the National Association for the Care and Resettlement of Offenders (NACRO), The Howard League for Penal Reform; Women in Prison; and the Prison Reform Trust. Such recent accounts cannot make up for the lack of basic information on the imprisoned population of women, however, and while there have been a number of studies conducted on small samples of women (e.g., Davies & Goodman, 1972; Gibbens, 1981; Goodman & Price, 1967; Posen, 1988) the tendency, as Mandaraka-Sheppard (1986) has pointed out, has been to concentrate on the central women's prison Holloway, providing a distorted picture of the female population.

A range of suggestions for dealing with the problems identified has been put forward. One suggestion, as in Canada, has been the creation of a separate administrative region for women prisoners. The official view, however, is that it would be in competition with the four existing (male) regions for resources, and because of its much smaller size 'would be less likely to benefit from management attention' (MacNaughton, 1988 p.68).

The existence of both open and closed prisons, as well as a maximum security facility for lifers and long-termers (located in a wing of Durham men's prison) means that there is far more flexibility in terms of classification and security placement than exists in Canada at the federal or provincial level. Nevertheless, it must be noted that the much smaller population of women means there are still far fewer facilities for women compared with men, and isolation from their home communities is still seen as a major drawback for women there (Casale, 1988; Morris, 1987; Seear & Player, 1986). Many of the prisons are located in rural areas, away from the major population centres, causing hardship for families and resulting in fewer visits than might be expected (Morris, 1987, p.116). In essence the choice is between location in the North or South of the country. Distance, in any country it seems, is relative. In Scotland, with only one women's prison, the situation has much in common with that of federal women in Canada. As Carlen notes:

> "The comparatively small numbers of women incarcerated in Scotland have also resulted in all of them being accommodated in one closed prison. Some prisoners therefore are imprisoned at great distances from their homes and, additionally, have no hope of ever moving to an open prison. There is no open prison for female prisoners in Scotland" (1983, p.20).

The effect on visits from family and friends was predictably severe, particularly since visits for the short-term inmates Carlen studied lasted only twenty minutes (women serving longer sentence were allowed an hour's visit once a fortnight).

The thrust of most arguments is that the majority of the women do not need to be in prison, many could be accommodated in a hostel for example, and that changes should be made throughout the system of criminal justice to reduce the flow of women in, to avoid the use of imprisonment (e.g., with greater use of community service orders) and to improve post release facilities (see for example Seear & Player, 1986). As they put it "nothing we have seen justifies the continuance, unchanged, of the present system" (p.17).

Co-corrections

Assuming that such a range of policies were to remove all but women convicted of very serious crimes, Seear and Player (1986) suggested that the women's system be abandoned in favour of a co-correctional solution, with a greater spread of institutions containing equal numbers of men and women. This it is suggested would circumvent the problem of a small centralized unit which "would be claustrophobic and would isolate women from their families" (Carlen, 1988). In

Carlen's view, a co-correctional system would only be acceptable if standards of facilities and programmes were similarly available for women who did not choose to mix, that the benefits of friendships between women be recognized and lesbian activity cease to be a disciplinary offence, and that co-corrections prisons be monitored by an Equal Opportunities assessor (Carlen, 1988).

Apart from these more system-wide approaches, attention has focused on a number of specific issues: mother and baby units, psychiatric facilities, medical facilities, age-mixing policies, the treatment of long-term offenders and disciplinary aspects of regimes.

Mothers and Babies

Unlike Canada, facilities for mothers and babies and pregnant women have been available for some years in England and Wales. Three such units exist for up to 39 mothers and babies, who can remain with their mothers until the age of 9 or 18 months. Clearly such capacity is very limited, and a survey of the prison population in 1982 found that 719 of the 1,288 women in prison were mothers, with a total of 1,649 children (NACRO, 1985), 209 of them under the age of three. More recently, they report that 111 women in prison had babies under 18 months, and thus within the age range for the units (NACRO, 1988b). In the case of long-term offenders, babies are separated from their mothers within 48 hours of birth.

Strong views are expressed both in favour of more and improved facilities for mothers, on the grounds of the possibly severe effects of separation on both mother and child, and against the imprisonment of mothers with young babies at all, and the adverse effects of imprisonment upon the children themselves. Carlen (1988) suggests much greater use of North American approaches such as the fostering of children near the prison, and better family visiting facilities.

Catan (1988;1989) in one of the few empirical studies of the effects of imprisonment on children, points out the lack of good data to either support or reject these strong positions. She suggests that its effect, in Britain at least, has been to divert attention from making any practical improvements in any direction. She points out too that the developmental literature indicates that predictions about outcome on the basis of a single factor such as separation are inappropriate. The unquestioning application of maternal deprivation literature, for example, she sees as too simplistic. The reality requires a much more complex interactive model which considers other aspects of family circumstances and functioning apart from separation itself. This narrow approach has also meant, for example, that few people have actually examined the post-release experiences of women with children, although there is a recent study by Wilkinson (1988). In addition, she suggests that the literature on institutionalization of children indicates that it is not necessarily detrimental to child development.

The results of her small-scale comparative study of children living in Mother and Baby Units, and a group of infants left outside by their mothers (Catan, 1989) suggested that there was no overall delay in the development of either group, compared with norms for the general population. Some later delay in cognitive and locomotor development was observed, however, in long-stay babies in the Units. This, Catan suggests, may be because the Units were staffed as medical facilities emphasising feeding and sleeping schedules etc., and without any emphasis on play or exercise and the creation of a child-centred environment.

Psychiatric Facilities

A second contentious issue is that of the use of psychiatric facilities for women. As was suggested in the introduction, there is a long history in Britain of the application of psychiatric models to female prisoners. For most women's prisons psychiatric treatment is provided on a weekly basis by visiting psychiatrists. Recent concern has focused around the redesigned Holloway Prison, and the use of the psychiatric unit there set up in 1977 and currently housing some 39 women. It is staffed by nurses and prison officers, and many of the inmates there are remanded for psychiatric reports.

While the earlier view that most women needed psychiatric care has been displaced, amendments to legislation (1983) have made it difficult to find hospital places for some people (those without a clearly definable illness which is treatable) who should not be in prison (Hindson, 1988; Morris, 1987;). This may well have increased the numbers of women (and men) in prison needing psychiatric care. In addition, however, the Unit has been used for the segregation of women viewed as disruptive, and there has been considerable public concern over outbursts of self-mutilation and suicide attempts there (Moorhead, 1985). Women were locked up in their cells for most of the day. The crisis precipitated a special investigation, and a number of changes have now been made to staff recruitment and training to facilitate multidisciplinary and group work, and an awareness of the special needs of mentally disturbed offenders. Changes have also been made to the daily regime and to physical facilities (Hindson, 1988; NACRO, 1988a).

It remains clear, however, that there is no general agreement on definitions of mental illness, and whether conditions are treatable, thus as Carlen points out (1983) "contemporary practices of psychiatry result in female offenders with previous histories of mental illness being sent to prison on the grounds that they are not mentally ill, and once there are controlled by drugs on the grounds that they are."

Medical Facilities

Concern here has focused in particular on the high level of drugs prescribed for women inmates (Casale, 1989; Radical Alternatives to Prison, 1982) and on insufficient attention to gynaecological needs (Carlen, 1988). Women generally tend to be heavier users of medical facilities and take more drugs, but in prison the problem becomes more complex. As NACRO have suggested "Drug usage in prisons is a particularly thorny problem. Many women have been prescribed heavy doses of drugs outside. To discontinue drugs can have a punitive effect...However, continued dependence on drugs may have deleterious long-term effects." (NACRO, 1986b).

Carlen argues that the long-term aim should be to reduce the need for drugs by reducing anxiety and tension levels in prisons. In addition, she favours the introduction of medical provisions for women prisoners modelled on the Well Women Clinics developed in the health service outside. These are staffed by doctors with a special interest in women's health, and with a choice of being treated by a male or female doctor.

Age-Mixing Policies

Of particular interest to the Canadian situation, given the long-standing discussions about the problems of mixing federal and provincial offenders, is the policy on age-mixing which has existed in England and Wales for some time, but made more explicit by legislative changes in 1982. Two distinct policies have been developed to house women and men. The latter are segregated on the basis of age, with young offenders under the age of 21 kept out of prison on the grounds that this avoids contamination by the adult prisoners. But because of the small numbers, and to enable girls to be near their homes, no separate provision exists for young women. Youth Custody Centres are combined with adult prisons, but this is also justified on the grounds that the older women will 'mother' the younger ones. Thus from the age of 15, girls will routinely come into contact with adult offenders (Genders & Player, 1986).

In a study of five women's prisons, Genders and Player are critical of the assumptions underlying this gender-based policy. They found that older women did not provide a stabilizing maternal influence. Few of them in fact had stable conventional family backgrounds from which to draw, and some had less experience of imprisonment and found it more difficult to adjust to prison than some of the younger women. There was also a closer association on age lines, with younger and older offenders making friends among those their own age. As the authors point out, it is inaccurate to assume that adult women are necessarily more criminally sophisticated than younger ones, and with the exception of certain drugs offenses most criminal learning occurred within age groups. The presence of adult women did, however, appear to help prevent bullying, and maintain control.

It is of interest in the Canadian context that in these relatively small British prisons neither this study, nor a previous one (Mawby, 1982) have found any evidence of the extended family structure described in classic American studies (Giallombardo, 1966; Ward & Kassebaum, 1966).

Lifers and Long-term Prisoners

Since 1974, prisoners serving life or classified as requiring maximum security (Category A) have been housed for part of their sentence in a special unit in the male prison at Durham. (Although it was recently reported that the Unit is to be transferred to a women's prison by 1992 (Stevenson, 1989)). The number of women serving life has doubled in the past ten years. A number of graphic accounts of the experiences of women in the Unit, with its lack of privacy and heavy surveillance, have been published (e.g., Carlen, 1985; Padel & Stevenson, 1988).

More recently Genders and Player (1988) have examined the assumptions underlying the policy for dealing with lifers (that they be treated as a distinct group with special needs because of their indeterminate sentence; that they need a planned career with decreasing levels of security to enable gradual preparation for release; that they are initially allocated to the lifers' wing for assessment and career planning; that there should be movement to a variety of prisons to avoid stagnation). In practice, Genders and Player, suggest that uniformed staff at the Unit did not perceive their role, or the women's problems, as any different from those of women in other prisons. Security considerations tended to override alternative approaches to handling disruption which they saw as threatening. Staff themselves felt they had not received sufficient training, were excluded from the assessment procedures and were not themselves provided with support.

The authors also suggest that the process of assessment in estimating the risks the women posed was itself problematic. The definition of risk is 'notoriously difficult' and in part subjective, and tends to be influenced by extraneous factors (such as stage of sentence) which have no relation to intrinsic dangerousness. Secondly, there seemed less point in developing a career plan when the range of programmes and security levels available was so much more restrictive than for men. Thirdly, since the women were aware that they were being assessed, they were much less willing to display emotions or share information with staff under the very restrictive maximum security conditions. They suggest that the need to keep these women in such restrictive conditions should be questioned, and that a supportive environment should be developed, with staff playing a facilitative role which recognises that deviant behaviour is symptomatic of underlying problems.

Discipline and Aggression

Many of the problems discussed above touch on the issue of discipline in women's prisons. In Britain, the incidence of disciplinary offenses for women has always been higher than for men. In 1987, 2.3 offenses per head of population (rather lower than in the previous decade) were recorded for women, compared with 1.5 for men (Prison Statistics England and Wales, 1987). Proportionately more women are disciplined for violence offenses too (NACRO, 1989c). As with diagnosis of mental illness, the problem is one of assessing how far disruptive behaviour reflects personal characteristics and problems, and how far it is a reaction to prison life (Seear & Player, 1986).

Explanations for these recorded differences provide conflicting views. On the one hand it may be that women react differently from men to imprisonment, and find it harder to adjust, or on the other that women are subjected to much closer supervision and petty rules (Carlen, 1985; Dobash et al., 1986; Mawby, 1982). Certainly it varies with age and regime, with higher punishments rates in closed prisons and among young offenders. Many commentators have noted the inability of regimes to deal with breaches of discipline in anything other than a punitive way (e.g., Seear & Player, 1986).

The most detailed study to date which has examined these issues is that by Mandaraka-Sheppard (1986). She collected data from three open and three closed women's prisons and found clear evidence that it was the organization of the prison which was the main factor explaining behaviour. Thus methods of punishment, a perceived lack of autonomy, lack of incentives to good behaviour, the quality of inmate/staff relations, and staff age and experience were the main factors explaining disruptive behaviour, not the age or offending histories of the inmates. Nor did a history of violence distinguish the disruptive from the rest.

Mandaraka-Sheppard was also able to show that much of the behaviour was trivial, the rules vague, and discretion on the part of prison officers very great. It also differed from that of men in being individual rather than group behaviour.

In relation to self-injury, a major problem is that it has routinely been dealt with as a breach of discipline, and particularly with segregation. Incidents of self-mutilation are reportable offenses, categorized as assault (Dobash et al., 1986). They are more common among younger offenders, but tend to occur in phases. Studies at Holloway prison and a youth custody centre for 15-21 year-olds have suggested it is directly related to boredom and inactivity, as well as being precipitated by frustration and events outside their control (Cookson, 1977; Cullen, 1980). Other studies have suggested that inexperience and a high sickness rate among female prison officers (guards) result in inappropriate handling of such behaviour (e.g.,Kozuba-Kozubska & Turrell, 1978).

Drug and Alcohol Abuse

Reviewing the increasing involvement of women inmates with drug use, Golding (1988) suggests that the extent of the problem is greater than official figures would suggest, since many women will conceal their addiction because of the negative consequences for remand and classification assessments. Alternatively, some may exaggerate their addiction to obtain continued supplies. He also suggests that prison staff need to be sympathetic to addicts and to have a greater understanding of the problems of treatment and withdrawal. "No group of prisoners needs a supportive, liberal and humane regime more than female drug addicts"(Golding, p.89). The current policy with all addicts, is to withdraw drugs, usually in the case of opiates, with an initial methadone substitute programme. Golding notes that very little information exists about female inmates with drug problems, that in Britain, a specialist unit exist should be set up to consider their treatment and needs, and that self-help groups on an American model should be established.

Casale (1989) notes the risk of AIDS contamination among the drug-using population. A recent survey of women admitted to Holloway prison identified 55 out of 208 women as 'at risk' of AIDS because of reported drug injection habits or prostitution.

B: AUSTRALIA

The one country which seems to have most in common with Canada - in terms of the very small numbers of women prisoners, the enormous land mass and distances from home communities, and the high incidence of native offenders - is Australia. It also has a federal system of government, but unlike Canada, the individual states have responsibility for housing all offenders, regardless of length of sentence or the type of offence committed.

Axon (1989) provides extensive coverage of the regimes and policies in the various states in her international survey. Here, some of the issues are summarized and discussed. Both the rise in female prison populations outlined in Section III, and the recent general awakening of interest in women's imprisonment are evident in Australia, and have occasioned a number of reports on the future of women offenders. At a conference on women in 1984 which raised a number of issues relevant to Canada, Mukerjee (in Hatty, 1984) argued that much had been written about the problems of women in prison but that there is a lack of adequate data on women offenders. It is also evident from Task Force reports that the problems of women's imprisonment are not just administrative ones concerning appropriate accommodation and programmes, but system-wide. Thus the New South Wales Task Force (1985) suggested that the traditional approach to handling problems of overcrowding and disturbances, with tougher discipline and more accommodation, had helped in part to precipitate the crisis in their women's prisons in the early 1980's. They argued that it was:

> "crucial to recognize that imprisonment rates do not reflect some 'natural ' or 'inevitable' connection between levels of crime on the one hand and imprisonment on the other, a connection perceived as mediated by the 'neutral' or 'technical' processes of the operation of the legal system which therefore cannot be significantly altered" (p.40).

They also rejected what they termed a "bricks and mortar" solution to problems of overcrowding. They rejected the notion that the construction of a new prison was the most appropriate way to deal with the unsatisfactory facilities currently in use. This was because they adopted a reductionist perspective, anticipating an overall reduction of the prison population and an increase in community-based alternatives.

Co-corrections

It would appear that a number of states are currently moving towards a co-corrections policy, and in place of centralization in one or two women's prisons. Biles (in Hatty op.cit) noted in 1984 that Western Australia was the only state where women were housed in a number of prisons along with men. South Australia has since recommended the development of co-ordinate prisons (see Axon, 1989 p.92), and Victoria has proposed that all future prisons contain a section for women (Biles op.cit.). The issue of the dispersal or concentration of women offenders he sees as an important one for Australia. In his view concentration of all women in one institution leads to it becoming a 'backwater' because of small numbers, receiving insufficient programmes and staff, and isolating women from country areas.

Dispersal to male prisons, while providing better access to home communities and to programmes, also has its drawbacks, with some women being virtually in solitary confinement unless there is full integration of prisoners. Staffing of mixed prisons is also a problem, some states were firmly against the integration of male and female staff, and he felt there was "still a place for a women's prison as a refuge from the influence of men". The New South Wales Task Force (1985) on women in prison does not discuss co-corrections, but seems in favour of retaining their urban women's prisons where there is greater scope for the development of specialised programmes and facilities. In certain circumstances they recommend a flexible approach allowing women from remote areas to be housed in regional facilities (and see Axon, 1989, p.91).

Mothers and Babies

There would appear to be greater flexibility in policies relating to children in Australia than some other countries. Northern Territory allows women to bring children up to the age of five into prison with them (Donnelly, in Hatty, 1984), and Axon (p.79) reports that most states have facilities for looking after infants in prison. She also notes that there is scope for extending such programmes to pre-school children where women's sentences are very short, but that the development of good facilities may have the adverse effect of encouraging a sentence of imprisonment, when a non-custodial alternative could have been used. She also reports the New Zealand practice of giving women with infants an alternative sentence to imprisonment, and releasing or paroling those giving birth during their sentence (p.80).

Aboriginal Women

With the high numbers of Aboriginal women in prison, many of them from remoter regions of a state, there are considerable problems of isolation, both geographically and culturally which mirror those found for native offenders in Canada. Axon reports that some states have established special divisions to consider their needs (p.80), or revised police prosecution practice and recruitment policies, in an effort to stop the flow into the criminal justice system.

The New South Wales Task Force (1985, p.153) reported that there was little understanding of their culture and kinship ties, and that prison programmes were felt to be irrelevant to their needs. They recommended greater links with Aboriginal groups in the community, the development of an educational programme specifically catering to their needs, that particular attention be paid to the use of lower security classification for Aboriginal women, and that recruitment and training of prison staff take account of the Aboriginal population.

Classification

As Axon notes (p.85) the New South Wales Task Force also had some interesting comments on the classification of female prisoners. Women appeared to be subjected to higher security ratings than their actual risks warranted, and this had an effect on their access to programmes and subsequent progress through the system. This was because classification ratings were based on male populations, and had not taken account of the separate classification needs of women (for example, they rated poorly on work patterns, and drug and alcohol addiction). Nor was account taken of the exact nature of their offenses. They recommended a review of procedures relating to women, and the allocation of women to facilities which were appropriate to that rating, not a higher security level (NSW, 1985, p.243).

Discipline

The NSW Task Force (1985, p.261ff) undertook an investigation of the use of discipline in their women's prisons which it found to be arbitrary and petty, often enforcing rules or applying penalties which would never be used in a men's prison (e.g., being sent to bed early!). They also condemned the use of segregation in relation to such incidents as self-injury, often applied for humane reasons, but which may be perceived as a form of punishment.

Drug and Alcohol Abuse

As with other countries the numbers of women imprisoned for drug offenses appears to be increasing in Australia, and they represent a larger proportion of the prison population than among men. The proportion of women with drug and alcohol abuse problems is also an increasing area of concern, although alcohol has always been a significant factor among Aboriginal offenders. Axon reported (p.70) that in Victoria over two thirds of women were imprisoned for drug-related crimes. Miner and Gorta (1987) found that over three quarters of the 90 women they interviewed in New South Wales reported prior drug use, and that their imprisonment was a direct result of that use. Most of them had previously tried community drug treatment programmes which they had not completed.

Axon (p.71ff) reports the general view that prison is not an appropriate environment in which to treat drug abusers or deal with the underlying problems resulting in dependency, and that considerable efforts should be made to develop programmes attached to probation. Within prisons, separate facilities for withdrawal and treatment should be provided, with trained staff, as well as pre-release, half-way houses and support groups for those with addiction histories. Miner and Gorta (1987) report that care needs to be given to the choice of in-prison programmes for drug and alcohol abuse. They found that the women rejected coercive, confrontationalist or dishonest approaches, and suggest that programmes should be flexible, and provide respect, consideration and autonomy to the women undergoing treatment. On-going staff training and development are also essential.

Implementation problems

Finally, it is pertinent to the work of the current Task Force that the New South Wales Task Force, which comprised both correctional and voluntary and women's group representatives has not had the impact it hoped. Brown and Quinn (1985) reported little prospect of real change in the period following its publication, and suggested that implementation of Task Force proposals requires a separate struggle: "reform recommendations - even when strongly and unanimously supported by government are not self-enforcing" (p.265).

C: THE UNITED STATES

To summarize developments in the United States is not easy, given that there are probably as many differences between states as there are between the U.S. and other countries. In addition, because of the size of the country as a whole and of the prison population, and the relatively high profile given to research and information, there is a daunting amount of material on prisons. On the other hand, a number of observers have noted that the amount of information available on women's imprisonment is very limited, while innovative programmes are sparse compared with other areas of corrections (Immarigeon, 1987).

For outsiders, nevertheless, there appears to be a considerable amount of innovation and discussion, partly reflecting the strong lead of the women's movement and their influence upon attitudes towards women's involvement in the criminal justice system. It is of interest that no extensive lobbies or pressure groups specifically concerned with women offenders such as CAEFS in Canada, appear to have developed on a long-term basis over the years in the U.S. Since 1985, however, there has been a bi-annual National Workshop on Female Offenders, an annual Round Table on Women in Prison, and a number of organizations such as Legal Assistance to Mothers in Prison (LAMP) and the Elizabeth Fry Centre in San Francisco, have been established. Such organizations and gatherings, however, only bring together a relatively small proportion of the states, or those responsible for corrections.

The rising population of female offenders outlined in Section III is housed in some 60 state prisons and four federal prisons, apart from jails. The latter mainly house very small numbers of women. A 1987 survey showed that 53% of all jails had fewer than 25, and 19% over 100 women (Crawford, 1988b). Most of them house women on remand or serving less than one year for misdemeanours. A 1977 report noted that it was ironic that these less serious offenders serve their time in jails under the tightest security, and with minimal programming (Glick & Neto, 1977).

No basic information about the female prison population was collated in the U.S. until the major survey of prisons and jails undertaken by Glick and Neto in 1977. Since that time, there have been two further national surveys, although neither of them as comprehensive. That by Ryan in 1984 also covered a different population by sampling state and federal prisons but not jails. That undertaken by Crawford for the American Correctional Association (1988a,b&c) sampled federal and state prisons, and jails.

Perhaps as a consequence of the rise in numbers of inmates, an increase in institutional violence and disturbances was reported by Ryan in 1984. Yet all surveys portray the adult female population as consisting mainly of non-violent property offenders with few previous convictions, and low educational and vocational skill levels. The ACA survey (1988a) showed that a third of them had never married, that 80% had at least one child, and of these 72% had legal custody. A report in Illinois in 1987 found that 83% of the mothers incarcerated in the state were single parents (see Immarigeon, 1989).

Co-corrections

Of the federal prisons, three are co-correctional (Fort Worth in Texas, Lexington in Kentucky, Pleasanton in California) and the fourth, Alderson in West Virginia, is for women only. Among the states, a 1984 study (Nesbitt & Angelo) showed that 43 of them housed women in single sex-prisons and 20 in co-correctional institutions. It is difficult to get a clear picture of the number of co-correctional institutions, partly perhaps because different sources include different types of institutions. The most recent survey of state facilities for adult women, for example, (Crawford, 1988b) showed that 27% were co-correctional. The American Corrections Association Directory 1989 gives a figure of 37%, but a number of states have more than one institution.

Crawford's survey also suggests that the extent of inter-mixing between the two sexes is fairly circumscribed. Thus 20% of co-correctional state prisons involved shared leisure and recreational activities, 23% shared programmes, 26% allowed them to talk to each other, 18% allowed communal meals, 20% allocated them to the same work crews, and 13% were allowed to work in the same prison industries.

There still appears to be no general consensus on the value of co-corrections for women since their development in the 1970's. A panel at the First National Workshop on Female Offenders (1985) concluded that co-corrections was not a panacea for overcrowding, prison 'normalization' or equity of programming, and that women needed advocates to ensure their special needs were met. Resnik (1983) as discussed previously (see Introduction) argues in their favour on the grounds that women will inevitably stand to loose more in a separate system. Immarigeon (1989) touches on the difficulties confronting women transferred to such an institution in Illinois. Neto (1981) reports that women in co-correctional prisons still do not become involved to any notable extent in training in predominantly male areas of work.

Schweber (1984) in her discussion of the implications of co-corrections for women suggests that there exists a wide range of integration. On the whole, federal prisons emphasise equal access to all programmes and facilities, and only separate living and hospital quarters. This she likens to a co-educational college model, although sexual contact other than hand-holding is a transferable offence. State prisons on the other hand, tend to be more limited in scope, requiring only integration in one programme to be so designated. Here women are more likely to be closely guarded and escorted, and any physical contact prohibited, and programme integration tends to be dependant on security level.

Unfortunately, Schweber concludes, neither a segregated model nor an integrated co-correctional model ensures the interests of the small numbers of women in the system. In her view, their small numbers mean that their interests will always be subordinate to those of men. Nevertheless, they have access to a far wider range of programmes than their counterparts in single sex-institutions. Yet even in the fully integrated model she argues women do not necessarily take advantage of the much fuller range of programmes offered. There needs to be a critical ratio of women (around 40% or more) before they take more part in mixed programmes. There remains too the problem that they tend to assume "traditional helping/dependency roles" (p.6), and to be blamed for the introduction of non-contact rules. And "men, regardless of their numbers, tend to dominate the higher status positions".

A third alternative, the co-ordinate model (originally suggested by Heffernan) is proposed by Schweber to maximize the benefits to women:

> "the co-ordinate prison would mean an administratively separate institution for women which shared a number of programmes or services with a nearby facility for men, enabling each to retain its identity and autonomy in a world that requires financial economy" (p.9).

Classification

In spite of the rather larger numbers of women in the prison system of the U.S., they still form a relatively very small part of the total population, and the pattern of neglect in terms of programming and facilities and over classification has been clearly evident. Resnik (1983) reports that a review of women in the federal system in 1978 found that 70% met the criteria for eligibility for minimum security camps, but were not allocated to them. Over-classification remains a problem. Given the non-violent nature of the offenses of the majority of women, they do not pose high risks to society. Their offending histories tend to be shorter, and reconviction rates lower than those of men, and they are less likely to commit offenses of violence on release (Immarigeon, 1987).

As with other issues, classification systems have been developed on the basis of male populations. One recent and very detailed study of classification and prediction issues, for example, contains not one specific reference to women (Tonry & Morris, 1984). One of the few studies specifically concerned with the classification of female prisoners was undertaken in 1984 by Nesbitt and Angelo who surveyed all federal and state prisons in the United States. All had a classification system in use, but in most cases it was based upon male populations, and while there was no general consensus, most argued that women were over-classified. No work on risk assessment scales specifically developed for women was reported.

A recent study of incarcerated women in Delaware (National Centre on Institutions and Alternatives, 1989) found that women were routinely over-classified with 64% sentenced to relatively short terms for non-violence offenses but over half designated maximum security. It was estimated that the population at the prison could be reduced immediately from 125 to around 80, with the development of a range of pre-trial, work release and residential drug treatment centres, and a day-reporting scheme. The recent ACA survey reported by Crawford (1988c) found that only 22% of state prisons had a classification system designed exclusively for women.

Clements (1986) in his discussion of the consequences of failure to consider classification for women, reports the poor quality of health and mental health services for female offenders, the lack of attention to family relationship issues, and the very limited range of programmes which are in part a result. Nesbitt and Angelo (1984) report that practitioners felt that the basic principles of classification should be the same for men and women, but that a strong emphasis on the assessment of needs was essential for female offenders.

System Responses

The general response of many states to the increasing numbers of women (and men) and the resulting overcrowding of prisons has been to build their way out of trouble. New construction and expansion has been the most common response (DeConstanzo & Scholes, 1988). Nevertheless, such a response is also very costly. In addition, it would appear that prison populations are 'capacity-driven' ie., if cell space is available, it will quickly be filled (NCIA, 1989; Blumstein, 1983). Immarigeon (1989) notes that an advisory group (with 67 members!) appointed to examine services for incarcerated women in Massachussetts seems "profoundly reliant on building more jail and prison cells for women" to deal with overcrowding, although making numerous recommendations for improvement of in-prison services.

Nevertheless, he suggests that there are some signs of change. A number of correctional policy-makers are beginning to make decisions about their female populations on the basis of much more careful assessment of their needs. As the National Centre on

Institutions and Alternatives puts it in their report on Delaware (1989):

> "The strategies now being discussed - work release, pretrial release, citation release, restitution, community service, house arrest, intensive probation supervision - are by and large not new; but because they cost so much less than imprisonment, they have acquired a new appeal" (p.1.).

The state of Georgia appears to have been one of the first to develop alternative ways of handling their increasing population. In 1977 a comprehensive long-term plan to provide services for women offenders both in and outside prison was developed (DeConstanzo and Valente, 1984; DeConstanzo and Scholes, 1988). It provided for seven types of alternatives to imprisonment, as well as release options, and continued monitoring and assessment. A Director of Female Offender Services was also appointed, and over the years a number of special programmes have been provided on the basis of needs identified.

Other states such as Minnesota, Wisconsin and Delaware have also produced overall plans, or recommendations for the development of alternative approaches to dealing with female offenders. The Minnesota plan included a profile of female offenders, an inventory of model programmes, and staff development and training (Hokanson, 1986). The Wisconsin report (Advisory Council on Women Offenders, 1985) rejected the reliance on high security incarceration and surveillance, and called for fundamental changes in how the system deals with women offenders. It proposed a range of options in communities which would include small-scale accessible facilities throughout the state for minimum security and revocation cases; the development of community-based regional facilities with a major programming focus, in some cases these could be houses for 4-6 women, sharing facilities with men; the development of minimum security facilities for women with infants and children.

Differential programming

Apart from recommendations for reducing the flow of offenders into prison, all of these reports contain recommendations for improved programming within prisons. They support the American Corrections Association call for 'parity of treatment', that "female offenders must receive the equivalent range of services available to male offenders, including opportunities for individualized programming and services that recognize the unique needs of this population" (ACA, 1986).

One area in which some improvements appear to have been made in recent years is in educational programming. Ryan (1984, and Ryan & Woodward, 1987) reported a 20% increase in the provision of a range of educational programmes since 1975. Neto (1981) found improvements in the range of vocational training programmes offered over a ten year period, many of them instituted after pressure from women's groups or others outside. While the great majority still reflect traditional female occupations such as clerical, data processing, cosmetology and key-punching courses, there is evidence of a variety of more innovative ones. She attributes improvements to the women's movement, and to litigation, as well as to a recognition of changing employment opportunities. It must be noted, however, that there is still considerable evidence that the majority of women want traditional vocational programming (Neto, 1981; Sorenson, 1981).

Litigation

In the absence of any changes on the part of correctional authorities in their handling of female offenders, the most common response would appear to be litigation (see also Axon 1989 p.96). Ryan (1984) reported that a major concern of managers and supervisors of programmes was the extent and cost of ligation over female offenders. "This will be the single most critical area demanding attention and analysis in the closing years of this decade" (p.28). Perhaps as a result, she reported a doubling of medical services in women's prisons between 1975 and 1983. The National Centre on Institutions and Alternatives (1989) report in their Delaware Study that by 1988, 37 states were under court-order to make significant changes and reductions in their prison populations.

While recourse to litigation may be the only way to force some authorities to improve facilities and conditions, it does not necessarily bring about any comprehensive changes in the system for dealing with female offenders as a whole. Only changes of that kind are likely to have an impact on the extent to which women are incarcerated. Some writers, like Harris (1987) argue that a de-escalation in the severity of sanctions is the only way to reduce the increasing population incarcerated.

Health Issues

Some of the most comprehensive accounts of the health needs of incarcerated women have been produced in the United States. Axon (1989) in an appendix provides the full text of the recommendations by Resnik and Shaw (1980) based on their extensive research on the health care of women on entry, and during incarceration.

In her discussion of the specific problems which women face, Shaw (1982) reports four types of problems. Because incarcerated women come predominantly from poor (and in the U.S., non-white) socio-economic backgrounds they tend to have poorer health than the general population. Seventy two percent of the New York City jail population were found to have at least one medical problem on admission in 1975, for example. They arrive with some health problems, and develop others in the institution. In particular the incidence of gynaecological problems is high. More than half of sentenced women in the United States have been diagnosed as having gynaecological abnormalities, whether arising from venereal infections, erratic treatment, poor diet, pregnancies or multiple pelvic examinations.

Secondly, as a consequence of imprisonment many women also report abnormal weight gain - in one prison in Connecticut women put on an average of fifteen pounds in their first three months. This Shaw argues is a consequence of required meal attendance, boredom, distress and lack of exercise. Imprisonment is also likely to cause emotional problems because of separation from children, and since many imprisoned women in America are also single mothers, stress is likely to be exacerbated.

A third type of problem is the heavy use of psychotropic drugs for women inmates, which has been found to range from 25% to 100% of women in an institution (Resnik and Shaw, 1980), and much higher than the rates in men's institutions. Glick and Neto (1977) in their survey of jails and state prison suggested that such heavy use was indicative of social control rather than widespread emotional problems. While women in the general population consume more medication than men, and those in prison do have emotional and physical problems, it is suggested that there is an unquestioning reliance on drugs for women inmates.

Finally, Shaw argues, women generally tend to be at a disadvantage in dealing with the medical profession in being treated less seriously than men. Prison increases these difficulties by diminishing their legal status, as it exacerbates their anxieties. She advocates better access to medical advice, greater attention to the need to listen and to communicate with women on a more equal footing, and the opportunity, for example, to seek second opinions and to have a choice of doctor.

Drug and Alcohol Abuse

The incidence of drug and alcohol abuse problems among women inmates would appear to be one of the major issues confronting administrators in the United States at present. As was noted in Section III, many correctional administrators reported an incredible rise in the number of substance abusers (as well as drug offenders). The ACA survey (1988b) found that 68% of state prisons reported that the majority (over 60%) of inmates needed treatment on intake. Some 41% needed treatment for alcohol abuse, 41% had been using marijuana, 26% cocaine, and 54% multiple substances. In the Delaware study (NCIA, 1989) 58% of the 125 inmates in the Women's Correction Institution reported they abused drugs, and 62% that alcohol or drugs were involved in their offence.

While there appears to be little documentation at present, recent discussions of the imminent 'second wave' of the spread of AIDS particularly in the United States among drug users has raised a further series of problems for the administration of women's prisons (e.g., discussions at the recent International conference on AIDS in Montreal, June 1989), as well as raising questions about the efficacy of a carceral response to drug abuse.

Physical and Sexual Abuse

Another major issue is that of the incidence of physical and sexual abuse among incarcerated women. This is not an area where there exists much historical data, partly because previous surveys have not sought to ask, but also because it is an area which it is extremely difficult to gauge. Many people may be unwilling to admit to such abuse, many may not recognize that they have been abused. Certainly, the victims' movement has been largely responsible for highlighting the extent of both types of abuse among women, and efforts are now being made to attempt to quantify the extent of the problem among incarcerated women.

The postal survey conducted for the ACA (Crawford, 1988a) asked a sample of women prisoners in state, federal and jail populations whether they had ever been the victim of physical abuse (e.g., being kicked, beaten, or tied up). Fifty three percent of adult women said they had, the majority of them on a number of occasions, usually by a husband or boyfriend, or a parent. Thirty six percent said they had been the victim of sexual abuse (undefined), in most cases by someone they knew.

Three factors arise in relation to this evidence of abuse. In the first place it indicates the extensive need for treatment programmes which might help women who have been abused to deal with their experience, as well as to develop strategies for avoiding abuse in the future. In the second place, since many of the women convicted of violence would appear to have been responding to abusive situations, it suggests for many people that greater consideration should have been given to their situation in sentencing: that as victims, they should not have been sentenced so harshly, if at all. Thirdly, there would appear to be a link between having being abused, and later use of violence. Immarigeon, for example, reports that 95% of women in the New York Correctional Service who reported a history of physical abuse were convicted of a violence offence, usually against the abuser. Nevertheless, good studies of the causal relationship between abuse and subsequent violence are lacking. The ACA survey, for example, found that 11% of state prison inmates were currently serving sentences for a domestic violence offence (Crawford, 1988b), but no information is yet available on the relationship with physical or sexual abuse [17]. Even the provision of such information will not provide anything other than an indication of an association between violence and abuse.

Mothers and Babies

Ryan reported that child care programmes were very limited at the time of Glick and Neto's survey (1977) and still lacking, or inadequate by 1983. Only 18 states reported having a child-care programme. The ACA survey (1988a,b,c) reports that only 12% of state prisons had on site child-care facilities although there were large variations between states, while 41% allowed extended visits with children. Yet as the same survey showed, some 80% of current inmates in state and federal prisons had at least one child, and 72% of them legal custody. In jails where women will be on remand or serving sentences under one year, there was even less provision reported, only 38% allowed mothers even to have contact with their children during visits.

The very detailed study of programmes for imprisoned parents and children in North America undertaken by Karen Cannings (1990) provides an up-to-date account of recent developments there. She distinguishes between prison nurseries, of which there would appear to be very few in the United States, visiting programmes, extended visits and auxiliary programmes (e.g., providing help with travel or accommodation). Of particular interest is her account of the growth and gradual decline of visiting programmes providing child-care and educational facilities since the 1970's, exemplified by the 'Sesame Street Goes to Prison' programmes. These have declined in favour of programmes which maximize parent-child contact during visits, and the development of extended visits and parenting programmes. This would appear to reflect the much greater concern with the effects of separation on children and parents, and the need to foster a continuing parent role, not one restricted to infants and babies.

Conclusions

It seems clear from this brief account of the problems confronting correctional administrators in other countries, that there are a number of similarities in relation to women's imprisonment with those found in Canada. There is an increasing accumulation of evidence about the generally non-violent nature of women inmates and the low risks they impose, the over-representation of aboriginal or racial minority groups, the high proportions of single mothers and of those with child-care responsibilities, the increasing need for drug and alcohol abuse treatment, or for physical and sexual abuse. At present, however, while there is considerable knowledge of individual cases, we do not know how widespread such problems are among the provincial or federal populations of women in Canada.

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[17]. Further analysis of the survey data is currently being undertaken.

Furthermore, inadequacies in classification and programme provision, in the provision of health and appropriate psychiatric services, in provision for mothers and their children, in the handling of behaviour seen as disruptive or destructive, and in the handling of long-term offenders, have all been identified as particular problems in women's institutions.

The constant concern about the isolation of women from their families and home communities is not peculiar to Canada. Even in countries such as England and Wales, where there are 12 facilities for women, or within individual states of the U.S. such as Delaware, distance is still perceived to be a problem. This factor needs to be borne in mind in Canada. Halving the current distance between women inmates and their families will still not deal with the problems imposed by being far from home communities. The solution lies also in the type of provision provided, and in the spread of facilities.

It is evident that there are two distinct ways of dealing with some of these problems. The traditional approach works within a correctional framework, and sees solutions to longer sentences, rising populations, or overcrowding within prisons as management issues, and in terms of new or expanded facilities, and tighter security and surveillance. It tends too to assume that longer sentences, higher proportions of drug offenses or of women convicted for violence offenses, and an increase in violence and disturbances within prisons indicate a more difficult population and a rising crime rate, rather than an increasingly punitive sentencing approach, or a response to the pressures of incarceration. In its more humane mode, it calls for the development of improved programming for women within prisons, in some cases to be achieved through co-corrections in some form.

The alternative approach takes a much broader view of the problems, and sees women's imprisonment within the framework of their situation within society as a whole. It constantly questions the applicability of the traditional correctional approach which has been developed on the basis of the imprisonment of men, but also because it fails to consider the need to use incarceration in the first place, or the destructive effects which imprisonment has on people whose tenuous ability to survive in the community is to a large extent the cause of their incarceration. It is this alternative approach which has demonstrated that many women do not need to be in prison, and that small-scale community alternatives and community-based treatment programmes can be less costly and more likely to succeed.

While Canada has not experienced an increase in female imprisonment on anything approaching the scale of that in the United States, and does not have overcrowding pressures inducing unusual responses (such as legislative ceilings imposed on populations) even our current limited knowledge about the backgrounds of women offenders in Canada suggests that the opportunity to adopt a non-traditional approach cannot be ignored.

In spite of the similarities, the fact remains that many of the problems and approaches taken in other countries are not necessarily applicable to Canada. We need to be wary of importing 'solutions' developed on quite different sets of populations. Without a detailed study of the characteristics of the federal population it is not possible to gauge the relative importance of the problems confronting federal inmates or the programmes which should be provided. The scale of female imprisonment in the United States requires approaches which are not necessarily transferrable. And since the federal population in Canada excludes those serving shorter sentences, it cannot routinely be compared with those elsewhere. In addition, given that so little interest has been shown in women until very recently, there is still, even in the countries considered here, a notable lack of good information, and an abundance of assertion and speculation about the nature of the problems confronting women inmates.

SECTION V

ASSESSING RISKS AND NEEDS

Previous sections of this report have identified many of the issues which need to be considered in relation to the imprisonment of women, and in relation to the federal population in particular.

Any decisions about the future accommodation, placement, management and programming of the federal population will revolve around, among other factors, assessments of the risks which federal female offenders present, as well as the demonstration of the needs they have for treatment and support.

This section focuses, therefore, on some of the problems of assessing risk among female populations. It also considers previous attempts to classify the federal population and the implications this has for the use of Exchange of Service Agreements as well as the level of security which was felt appropriate, and the classification of native offenders.

Finally, given the confusion which often accompanies discussions about the way women in particular behave in prison, some of the implications of research on disruptive behaviour and self-destructive behaviour, touched on in previous sections of the report are considered. This too has a bearing on assessments of the need for secure provision for a federal population now serving much longer sentences than in the past, and with an increasing proportion convicted of offenses of violence.

A: THE ASSESSMENT OF RISK AND NEEDS : DIFFERENCES BETWEEN MEN AND WOMEN

The most crucial issues in relation to all inmates are those of the assessment of risk, whether to the public, prison staff or other inmates or to the inmate herself, and the assessment of needs. Traditionally, that of risk has tended to overshadow both the designation of programme needs, as well as their provision.

The assessment of the risk or dangerousness of an offender is a notoriously difficult one and characteristically decisions are made with a wide margin for safety where there is a threat to life rather than property. Thus many offenders who would probably not cause problems are retained at higher security levels, or not released on parole, because of the sensitivity of the public to errors of judgement. And while the calculation of risk on the basis of given categories has a long history within corrections, studies of predictive power are disappointing, and designation to particular categories remains a subjective judgement. In a study of the assessment of dangerousness, in fact, Brody and Tarling (1980) argued that regardless of the amount of additional information about individual offenders which might be added to prison-based assessments, their accuracy would not be improved nor their subjectivity reduced.

As usual, research on risk, whether in relation to placement in an institution or parole, has been conducted almost entirely on male inmates (e.g., Gottfredson et al., 1978). One of the few discussions of this issue in relation to women is that by Adler and Basemore (1980) on the applicability of parole guidelines to women. They question whether the criteria developed for male populations are valid for women. It has been suggested that in general, guidelines are most successful with homogenous populations, but female populations tend to be very mixed, and the offenses which men and women tend to commit are very different. In addition, women are likely to have poorer employment histories, and to be returned to prison for technical violations of parole rather than actual offenses - requiring more subjective judgements. Such factors, in their view suggest the need to develop and validate separate criteria of risk for women.

While there exists very little information about the risks which women pose, or their performance on release, the general indication appears to be that women have lower reconviction rates. For Canada, Harman and Hann (1986) found in their analysis of federal parole releases over the period 1979-81 that women had a higher success rate than men over a three year period (total release supervision success 79% for the 332 women, compared with 65% for men (p.4.2)). In addition, when women did violate their supervision, either by a new offence or for technical reasons, they were less likely to be returned to prison, or commit as serious an offence as men. As the authors remark, these are quite different patterns of behaviour from those of men.

Similar findings are reported in the United States (e.g., Spencer & Beracochea, 1972), and in England and Wales, Posen (1988) reports that 36% of women released from prison in 1983 were reconvicted within two years, compared with 56% of men. While there exists a problem with missing data, it also appears that women entering prison have far fewer previous convictions or prison sentences than men (e.g., 26% of women and girls in custody in 1987 were first offenders compared with 8% of males, NACRO 1989a). This is likely to be the case in Canada too, given that women are more likely to be serving their first federal sentence than men as was noted in Section II (83% of women, compared with 61% of men).

In relation to current discussions about the future of federal female offenders, it is important to assess what risks the population currently represent in terms of their need for secure provision. Past attempts at assessment are discussed below.

Previous attempts to classify federal women

As previous discussion has underlined, women (and probably some men) tend to be over-classified, and this has been the case among federal offenders in Canada too. In one sense this has been by default in that as the Chinnery Committee discovered women were not routinely classified in the formal sense. Since classification had been used to allocate inmates to different types of prison, in the absence of any alternatives for women it was considered irrelevant.

A study undertaken for the Needham Committee (1978) applied the standard male classification system to the population at the Prison for Women on the basis of a review of individual files. This gave the following breakdown: maximum 19%; medium 75%; minimum 6%. As the Report points out, however, the criteria used were those developed for men and no additional material was obtained from staff or inmates. The committee felt the results provided a general guide, but were not definitive. Although the prison was designated maximum security at that stage, it was the view of staff at the prison that it functioned at a "medium-minimum" level, with "a strong emphasis on dynamic security and flexible mechanisms for speedy containment as required" (Berzins & Dunn, 1978). While this was seen to have some advantages, it still meant that low-risk women were maintained in much stricter conditions than they required.

A much more detailed attempt to classify the federal population was conducted by the Working Group of the Chinnery Committee (Berzins & Dunn, 1978). They argued that the traditional three-fold classification system was meaningless in the case of women, and much too broad to allow for a link between degrees of risk and the kinds of security measures needed to contain them. They therefore suggested three independent methods of classification:

- the development of a series of operationally defined criteria for assessing security risk and type of programme, and applied by a team of 9
- classification on the basis of existing procedures used for men
- using criteria piloted by the U.S. Task Force on Classification

The first method involved five security levels, ranging from programmes operated in the community requiring no security, institutional placement without perimeter security, strong perimeter security but freedom of movement within, strong perimeter security with limited movement, and strong security with close observation within. Each security level was also graded in terms of types of contact with the community, and use of temporary absences (e.g., escorted or unescorted). Secondly, a series of 10 criteria were developed to assess what each inmate needed protection from (e.g., to protect the public from harm, or the inmate from herself). Thirdly, a list of 11 legal and policy constraints affecting security levels was compiled (e.g., facing additional charges, under temporary detention, under jurisdiction of the parole board, etc.). Finally, a series of criteria for eligibility for each security level was devised.

An essential aspect of this approach was that it involved the use of programming for 'dynamic' security, reducing the need to rely on certain physical security features. These criteria were applied by a team of nine to the population of 137 on register at the Prison for Women, and including 13 already on day parole. Subsequently a team of four including regional coordinators of classification services classified the same women using the criteria laid down in Commissioner's Directives for classifying men, and the results of the two methods are shown below:

Using operational criteria			Using male standards
Community programme	22	29	Minimum security
Institution but no security needed	6		
Perimeter security only	59	103	Medium security
Perimeter security controlled mov't	46		
Perimeter security close observation	3	4	Maximum security

Total agreement was not reached in the case of 15 women, but on the whole, it was felt that the two systems gave very similar results, although the second provided for much less flexibility in terms of programming. (The third method proposed was not in fact applied for lack of time).

On the basis of these results, it was concluded that there was no need for a maximum security institution for federal women, and that the 3 or 4 requiring close observation could be handled within a setting at a lower level, while over half the population were currently serving their sentence at an unnecessarily high level of security.

The discussion of legal constraints by the Working Group is also of interest, suggesting that these set up arbitrary rules concerning such issues as eligibility for day parole. Thus it was found that the major factor relating to security designation was closeness to Parole Eligibility Date (cf. the discussion of lifers in England & Wales in Section IV). While they felt it understandable that access to the community should be 'graduated' in relation to eventual release date, the effect was to keep a number of women at a security level greater than their circumstances otherwise warranted. This they suggested might be avoided if certain minimum security facilities were not tied exclusively to day parole requirements.

Perhaps the most interesting findings by the Working Group, however, relate to the issue of age and seriousness of offence history. The usual assumption is that classification enables the young (and relatively innocent) to be separated from the old (criminally sophisticated and serious) offenders. Yet the five security levels allocated appeared to cut across age, length of sentence, seriousness of offence, and length of criminal record. Both young and old were classified as requiring minimum security levels, and over half those convicted of a violence offence. "The only recurring determining factor [appeared] to be closeness to parole eligibility date" (Berzins & Dunn, 1978).

In some senses this confirms what has in fact been evident for many years, that older women have on the whole fewer problems adjusting to prison than younger ones (cf. the much higher punishment levels among young offenders in England and Wales, or the greater incidence of self-mutilation among adolescent girls in institutions (Ross et al., 1978) compared with adult women). As the Working Group suggested:

> "there is a tendency for the older inmate serving a long-term sentence for a serious offence to be seen to as requiring the least security..."

Similarly, the New South Wales Task Force noted that it was widely observed that women serving longer sentences needed less security and supervision than many short-termers (NSW, 1985).

Finally, federal offenders serving sentences in provincial prisons were also assessed by versions of the two methods. It was assumed that provinces preferred to take women serving short sentences and requiring medium or minimum security, on the assumption that long-term inmates would necessarily require maximum conditions. In fact no major differences between those on ESA's and those at the Prison for Women were found, and the Working Group concluded that the provinces were in fact already housing numbers of women usually regarded as unsuitable for their care. They also suggested that those women had considerable advantages in terms of easier access to day parole in the community, and some were able to live at home.

Implications of previous classification studies

This detailed classification exercise undertaken for the Chinnery Committee is of considerable interest. It demonstrates the importance of undertaking very careful research using a range of data appropriate to the population. It is of interest, for example, that the Needham Committee applied in a much less elaborate manner the standard male classification system in the same year as Chinnery, but came up with rather different results (19% maximum security compared with 3%).

Secondly, it showed that a number of the taken-for-granted assumptions about risk in relation to women, and the kinds of inmates who needed security, were wrong. It also demonstrated that the provinces were already handling the kinds of inmates thought unsuitable, in many discussions about decentralization, for their lower security settings.

Thirdly, it suggested that there were in fact some disadvantages to trying to develop too rigid a system of security classification in relation to women. The small numbers are seen as an advantage allowing more flexibility within the prison in terms of security, and the presence of medium security inmates thought to be beneficial in handling those requiring closer supervision. Such an argument should not work to the disadvantage of those requiring lower security, however, and the Working Group stressed that the small numbers of maximum security inmates could be accommodated at lower levels of security.

Fourthly, it questions whether date of release or parole eligibility should be such a major component of classification, and suggests that programming can be an essential security tool which may well be cheaper than reliance on static approaches.

Recent changes

There have been changes in the classification system used for federal inmates since that period, with the application of the more elaborate seven-level security matrix system developed in the United States, following the Canadian Human Rights Commission ruling in 1981. This resulted in the designation of 15% of the female population as maximum security. This system would still appear to have little relevance for the female population in the absence of alternative housing options, however, even though the building is now designated a multi-level security institution.

More recently, the Case Management Strategy has been introduced by the CSC, and a four-fold Custody Rating Scale is being developed and validated (although on men) (see Correctional Service Canada, 1987). This stresses the programme needs and progress of individuals, rather than security. As before, however, the strategies have been designed to deal with issues arising from the management of the much larger male population (and in particular to minimize movement between institutions which is regarded as disruptive to programming). It is not clear at present how far this system can take account of the particular needs of female inmates. In evidence to the Daubney Committee the Canadian Bar Association

(Jackson, 1988) suggested that on the basis of this method of classification only 12% of the current population were currently classified as requiring maximum security.

Apart from information from basic files and interviews with inmates, assessment of the current population on the basis of Case Management Files could be undertaken to gauge how far they take account of the different characteristics of the female population (e.g., whether they are primary caretakers of children, whether they have any marketable skills, their need for drug treatment rather than the presence of a drug abuse problem). Do the files contain good information on family circumstance and community support which might influence placement decisions, for example? (see Canfield, 1989).

Such information is essential for consideration of the alternative housing of the federal female population. It is also important because of the 'knock-on' effect which initial classification has upon an inmate's progress through the system. An initial high classification may affect access to programmes which an offender needs or wishes to take, or contact with the community. It will also affect subsequent decisions about suitability for day parole or temporary absence and full parole. It is essential to consider how far women should be denied access to programmes on the basis of a high security rating, or need to be so classified initially.

Classification of native inmates

Specific consideration needs to be given to the implication of classification for native offenders, and particularly in view of the recent increase in the proportion of native offenders in the federal system noted in Section III. As discussion in the previous section on Australia suggested, the over-classification of women tends to be compounded in the case of Aboriginal women. Women are likely to rate more poorly than men on such factors as work patterns, drug and alcohol abuse, unstable family backgrounds, but more so in the case of Aboriginal women. Such women also did poorly when rated on issues such as programme participation, yet as the New South Wales Task Force (1985) pointed out, they felt most programming irrelevant to their cultural needs and attitudes. They also had a different time horizon which meant they regarded imprisonment as 'time-out' rather than an opportunity for change (Donnelly, 1984).

The recent Task Force on Aboriginal Peoples in Federal Corrections (Solicitor General, 1988) has highlighted the need for the validation of assessment procedures for Aboriginal offenders in the federal system at all stages of imprisonment. The fact that security ratings for male and female native inmates are generally higher than for non-natives, and that rates for release on full parole are considerably lower (18% vs. 42%, p.28) indicates that there are considerable problems.

How far is the past offence behaviour of women related to subsequent behaviour?

In assessing risk,as it has been suggested, one of the first concerns is usually how far past behaviour is likely to be repeated. There is always concern that someone convicted of a violent offence will repeat that behaviour. Since at least half the current federal female population are serving sentences for offenses classified as violent this issue is of some relevance. What little information there is about the behaviour of women offenders suggests that in relation to certain violence offenses, such behaviour is unlikely to be repeated. Thus Rosenblatt and Greenberg (1974) in their study of female crimes of violence found that most victims were relatives (half of them children) and most offenses took place within the home. Such domestic offenses are unlikely to be repeated. While their sample size was very small (only 26 women[18]) they also suggest that for at least half the women such violence was predictable, and could have been prevented. Data from much larger studies outside Canada confirm that most homicides by women take place at home (e.g., Wolfgang, 1958) and Wilbanks (1982) similarly stresses that female murder is an especially intimate act.

Two recent Canadian studies provide further information on the relationship between type of offence and behaviour of women on release. A study by Canfield (1989) examined risk on release for a small sample of 87 women released from the Prison for Women in 1983-4. The women were followed up for two years and 43% were reconvicted for new offenses in that period. While the numbers in the sample were too small for analysis to take account of interactions between factors, it would appear that type of offence did not distinguish those reconvicted from those not, except in so far as those convicted of drugs offenses or crimes against the person were less likely to be reconvicted. Younger inmates and those with longer criminal histories were more likely to be reconvicted than others.

These findings are similar to those of Harman and Hann (1986) who also found that women (and men) convicted of drug offenses presented the best post-release risk, but those for breaking and entry the worst, as shown in the table below taken from Harman and Hann (p.6.5)

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[18]. Based primarily on hospital rather than penitentiary cases.

TOTAL RELEASE SUPERVISION SUCCESS RATES BY SEX AND OFFENCE GROUP

	MALES	FEMALES
Drug-related offenses	82.1%	87.7%
Manslaughter	74.6%	78.8%
Murder, attempted murder	71.8%	**
Rape and attempted rape	67.3%	**
Robbery	60.0%	80.8%
Break and Enter	57.8%	50.0%

(** nos. too small)

No additional information on the relationship between other factors and reconviction was examined for the female population by Harman and Hann, but it would clearly be useful to do so. Harman and Hann also found, however, that women convicted of manslaughter and 'other' violent offenses were more likely to be granted parole than men, suggesting that their involvement in such offenses was seen as less of a risk than those by men (Hann & Harman, 1986 p.5.8).

One important factor about information such as this, however, is that it takes account of only a small proportion of the factors involved in re-offending. Such figures may reflect in part the availability of programmes or assistance for women on release from prison. Canfield (1989), for example, suggests that women who were employed on release, have better success rates than others. In other words, such aggregate statistics may be as good an indication of programme availability for offenders with particular problems as they are of the risks attached to particular types of offence behaviour.

In the end, prediction studies on male populations suggest that it is age of onset and length of criminal career, rather than type of current offence which are the most important factors associated with re-offending. On the whole what evidence there is indicates that patterns of offending among women are much less serious and extensive that those of men (Warren & Rosenbaum, 1987) although that study suggests that a sample of girls in California followed up from juvenile arrests into adulthood did commit increasingly serious offenses, a third of them serious and violent. Even that study, however, provides little evidence that violent offenders continue to commit such offenses. While the numbers are very small, two thirds of those who committed a violent offence as juveniles had no subsequent arrest for violence.

B: BEHAVIOUR INSIDE PRISON

How far is in prison behaviour relevant to risk and behaviour on release?

Apart from differences between men and women in the kinds of offence histories they have, offending behaviour in prison has always been a component of assessment of risk or suitability for release. For women this presents a problem, given that there is considerable evidence that their behaviour in prison differs from that of men. It has been complicated too by the taken-for-granted assumptions that women are more emotional, do not adjust well, and will of course behave badly inside (e.g., Pollack, 1984). Evidence that women in England and Wales have much higher rates of disciplinary offenses than men was discussed in Section IV. Lindquist (1980) discusses evidence in the United States. In his study of male and female prison populations he found women had committed significantly more offenses than men (an average of 4.38 compared to 2.61). In a number of countries there are suggestions that many disciplinary charges in women's prisons relate to very trivial behaviour for which men would not be charged. Lindquist too found that the offenses committed by the women in his study tended to be less serious than those of men.

In Canada, no comparative data is published on disciplinary offenses in the federal system, although a number of studies have been concerned with in-prison behaviour among the male population, and recent increases in disturbances (e.g., Porporino & Zamble, 1984; Wormith, 1984). There have also been studies of the extent of self-destructive behaviour - rather than disciplinary offenses - among adolescent girls (Ross et al., 1978), but it would appear nothing in relation to women. Although certainly there has been concern over a number of years at incidences of disturbance, suicide attempts and slashings at the Prison for Women.

It cannot be denied, however, that behaviour in prison is an issue of concern for prison staff, as well as being seen as in some way indicative of risk (to staff or other inmates, to self or the community on release) and likely to influence views on the need for secure provision. As the discussion of this issue in Section IV indicated, the central question is how far disruptive behaviour in prison is a response to the conditions of imprisonment and situational events, how far it reflects pre-prison personality and behaviourial traits - essentially whether behaviour is imported or situational, or the result of some interaction between the two. As usual, most studies of this issue have been carried out on male populations. Thus for men in the penitentiary system in Canada, for example, it would seem that while disciplinary offending is more common among younger men with histories of juvenile offending, it is more strongly influenced by their abilities to cope with in-prison situations (Porporino & Zamble, 1984).

Of those studies which have focused on women, partial support for the importation model was presented by Jensen (1977) who concluded that age and general attitudes towards rule-breaking were important factors in explaining disciplinary problems inside prison (although not, it must be noted, adverse personality characteristics). Some support for the situational model is presented by Wilson (1986) in an interesting Canadian study. He examined inmates' behaviour in a minimum security co-corrections prison. While he was measuring inmate solidarity (adherence to the inmate code) rather than disciplinary behaviour, he found no differences on the whole between men and women, and concluded that differences between men's and women's prisons probably accounted for most of the perceived differences between the sexes in past studies of their behaviour and adaptation to prison. However, attitudes to staff and rule-breaking in a minimum security institution with short-term prisoners are likely to be rather different from those in maximum security settings.

Almost all such studies present problems because they use single institutions, limited samples, or rely on official records. The only study of women which avoids these problems is that discussed previously by Mandaraka-Sheppard (1986) which used a cross-institutional design. Using information from inmates themselves, as well as observation, discussion with staff and official records, she was able to demonstrate that while age and previous offending history were associated with offending, aspects of management practices in institutions such as inmate-staff relations and types of punishment were more important. She argued that these institutional characteristics "directly affected inmates' negative attitudes towards the institution which in turn shaped their response towards staff and other inmates" (p.204). In addition, she found that women were rarely involved in group violence or other group offenses, although there was more violence in closed prisons than open (minimum security) prisons, and that over half the offending the women themselves reported was not matched by official reports.

One very dramatic and recent account of the impact of changes in institutional factors on the behaviour of inmates is given by Cooke (1989) in his description of a special unit for violent male offenders in Scotland. He argues that good staff-inmate relations, the high level of autonomy given to inmates, the emphasis on group communication and expression, all contributed to the profound behaviourial changes in inmates transferred there.

It would seem, therefore, that there is no direct relationship between offending background and disciplinary behaviour in prison, and that it may well provide a better measure of institutional characteristics than of individual risk. In the case of women they may find it more difficult to adjust to prison than men, but it may also be that staff in women's prisons treat them differently from those in men's prisons. On the basis of the recent study of federal women on parole (Canfield, 1989) there is no concrete evidence that a record of disciplinary problems in prison was crucial to parole decisions, or related to success on release. Thus she found that experience of disciplinary proceedings or dissociation was more closely related to time in prison than to the denial or granting of parole.

Self-destructive behaviour

Similar issues relate to the explanation of self-destructive behaviour among women (and men). Here there has been a particularly marked tendency to assume a relationship between mental instability and such behaviour. Ross et al (1978), however, in their study of an outbreak of such behaviour in a girls' institution in Canada (in this case carving) argued that it was not a simple reflection of psychopathology or a desire for social approval, nor did it necessarily indicate a need for psychiatric treatment. Similarly, Jones (1986) in a comparative study of mutilators and non-mutilators (almost all of whom were in fact male) found that while the first group had more serious offending histories, they had also been charged with more disciplinary offenses, and received more severe punishments than non-mutilators. In particular she argues that isolation was not an effective way of handling the situation and reports a number of studies which support that view. Both Jones and Ross et al., suggest that peer-groups may be a more effective way of handling self-destructive behaviour. Holley and Arboleda-Florez (1988) on the basis of a study in Calgary similarly argue that psychopathological explanations are not sufficient, and that "punitive responses may increase the likelihood that more serious and dramatic self-destructive behaviours will ensue" (p.177).

CONCLUSION

What this discussion suggests is that the criteria used to assess the risks which men present, both in prison and on release, do not necessarily relate well to the circumstances and characteristics of female inmates, and particular care needs to be taken to examine the extent to which women do present a threat to society in or out of prison.

Even using the same criteria applied to male populations, the federal female population would appear to have less serious offending histories and lower reconviction rates than men. It is likely, however, that further assessment of the circumstances of violent offences, for example, among the female population will show them to be rather different from those of male offenders.

Yet women in other jurisdictions and the federal population in Canada would appear to have been consistently over-classified, and native women in particular. Previous attempts to classify federal women suggested that many of them could have been accommodated in less secure facilities, given supportive programming. It was also clear that there was little difference between federal women serving sentences in provincial prisons and those in the Prison for Women in terms of their offending characteristics. Provincial prisons were already housing women usually regarded as unsuited to their care.

Finally, while women may find it more difficult to adjust to prison than men, studies of disruptive behaviour among women suggest that much of it relates to the characteristics of an institution - that concentration on control is likely to stimulate disruption. There seems to be no necessary relationship between behaviour in prison and that outside.

Similarly, studies of self-destructive behaviour in prison suggest that punitive responses and isolation may increase the incidence of such behaviour.

Taken together, these factors suggest that in considering the future of the federal population, security of provision for women may be much less important - and counter-productive - even for long-term offenders, than the quality of inmate-staff relationships and programming which responds to the needs which the women themselves perceive, and that community alternatives may well be a more viable (and less costly) option for a proportion of the population.

CONCLUSION

This report has attempted to outline a wide range of issues surrounding the use of imprisonment for women, and some of their implications for consideration of the future of the federal female population in Canada.

It has suggested that imprisonment as a form of punishment is not an immutable institution, and its use for both men and women has been subject to considerable change over time. Most recently, however, its widespread use has been severely challenged by a loss of faith in its ability to rehabilitate offenders, and in relation to women in particular the grave disadvantages it creates for trying to reintegrate them into the community, given that they would appear to have fewer resources at their disposal than many men, and present fewer risks to society.

Current experience in other countries suggests a range of problems which are of considerable relevance to Canada - an increase in sentencing severity resulting in accumulations of women serving long sentences, increasing incidence of drug abuse among incarcerated female populations, evidence of high rates of physical and sexual abuse, the low level of education and vocational skills; the long standing neglect of provision of training appropriate to current conceptions of their role in society; the lack of attention to women's health needs, and the appropriate provision of psychiatric care; the high costs of incarcerating women who are mothers, many of them single parents and the long term consequences of separation for those children.

The lack of information on federal sentenced women in Canada has been underlined by the report. Such information on their backgrounds is essential for making informed decisions about the extent of these kinds of problems here, and for assessing the kinds of support and programming which needs to be provided, and the kinds and location of accommodation they could cope with.

This requires the collation of information about offending histories, and social and economic backgrounds, about the extent of family responsibilities and ties in the community, about education and employment levels, about physical and mental health requirements, about the extent of drug and alcohol abuse, about the specific needs of native offenders, of those serving long sentences, or those from outside Canada. It requires assessment of the extent to which federal women do present risks to themselves or others, and how these risks can best be minimized.

It is also important to assess the views of current inmates themselves on their need for programmes and facilities, and the problems they have experienced in being incarcerated; how they would react to different kinds of institutional or community settings, or co-corrections, and their requirements for support and services on release.

It is apparent that in a number of jurisdictions, solutions to the increasing imprisonment of women are being sought not in expanded prison facilities, but in trying to stem the flow of women into the criminal justice system, and with the provision of a range of alternatives in the community which take account of the many problems which women offenders face. Dealing only with the federal population does not begin to touch on the wider involvement of women with the law, or of the much larger numbers of women in provincial prisons, but there seems every reason to consider the needs of those women who face the most severe sentences.

APPENDIX 1

OUTLINE OF MAJOR DEVELOPMENTS AND REPORTS RELATING TO THE IMPRISONMENT OF FEDERAL FEMALE OFFENDERS

1848 Brown Commission: recommended the separation of women in a new unit at Kingston Penitentiary.

1913 New prison built for women inside penitentiary walls.

1914 Macdonnell Commission: suggested women be moved closer to their homes under provincial authority.

1921 Nickle Commission: suggested build a new central facility outside walls of penitentiary.

1934 New Prison For Women completed.

1938 Archambault Commission: recommended women be returned to home provinces under provincial authority. Provinces favourable.

1946 Minister of Justice sought views of provinces on transfer of all women at Kingston. Only one province now felt able to take on federal offenders.

1956 Fauteux Committee: recommended more intensive treatment programmes in the new central facility being planned.

1956 Plans to build a new prison for women at Kingston shelved. Public outcry against a central facility.

1965 Ministry of Justice proposed new federal prison at Cornwall. Plans abandoned.

1968 Plans to build new federal prison in Ottawa area abandoned.

1968 Canadian Correctional Association: provinces should assume responsibility for all federal female offenders.

1969 Ouimet Committee: development of a unified service for women in each province with purchase of services from larger provinces, and establishment of regional federal services in small provinces. The latter to purchase services for short term offenders.

1970 Royal Commission on Status of Women: recommended closure of Prison for women.

1977 Clark Report: National Advisory Committee on the Female Offender: recommended closure within 3 years. Outlined two alternative plans: the retention of Federal responsibility but development of small regional secure facilities and purchase of services from provinces or transfer of all federal female offenders to provincial authority.

1977 MacGuigan Report: recommended immediate phasing-out of Prison for Women and development of small cottage-type institutions in at least 3 regions.

1978 Needham Report National Planning Committee on the Female Offender: Closure of Prison for Women; at least one community-based residential centre in East and one in West on basis of feasibility study.

1978 Chinnery Report: Joint Committee to Study Alternatives for the Housing of the Federal Female Offender: develop two main facilities (Vanier or a rebuilt Prison for Women plus co-correctional Mission BC) and expand use of ESA's.

1978 Berzins and Dunn Progress Report on the Federal Female Offender Programme. Primarily the detailed findings of Working Group to Chinnery Committee.

1978 Solicitor General announced plans to phase out Prison for Women.

1980 Advisory Council on Status of Women: close Prison for Women; develop ESA's.

1981 Canadian Human Rights Commission: upheld 9 charges of unequal treatment of federal women by CSC brought by Women for Justice. Case sent to conciliation.

1981 CAEFS: recommendations on upgrading programmes at Prison for Women, and establishment of a 6th CSC region for women.

1982 Establishment of PNACFFO: Permanent National Advisory Committee on Federal Female Offenders, with representation from national and regional offices of the Correctional Service Canada and the voluntary sector. Mandate to advise the Commissioner on all current and long-term policy, programme and planning issues.

1988 Canadian Bar Association Justice Behind the Walls: legislate to compel closure of Prison for Women.

1988 Daubney Committee: close Prison for Women within five years: set up task force to propose plan for community and institutional accommodation and programming.

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